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 of the statutes is repealed.

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 of the statutes is repealed.

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

4           29.042 (1) Beginning on January 1, 1998, the department may not enter into  
5 any agreement to make payments to persons holding approvals issued under s.  
6 29.501, 29.503, 29.506, 29.509, 29.512, 29.514, 29.519, 29.523, 29.526, 29.529,  
7 29.531, 29.533, 29.537, 29.607, 29.611, or 29.614, 29.865, 29.867, 29.869, 29.871 or  
8 ~~29.877~~ in exchange for the retirement of the approval or for the temporary or  
9 permanent cessation of any activity authorized under the approval.

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

11          29.047 (2) (b) The possession, transportation, delivery or receipt of farm-raised  
12 deer ~~or~~, farm-raised fish or wild animals that are subject to regulation under ch. 22.

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

14          29.191 (2) (a) 3. Any person hunting pheasant under s. 29.195 ~~or on premises~~  
15 ~~licensed under s. 29.865~~ is exempt from the requirements under subd. 1.

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

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

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

**BILL**

1 29.314 (5) (b) 3. To a person who possesses a flashlight or who uses a flashlight  
2 ~~while if the person is~~ on foot and training a dog to track or hunt raccoons, foxes or  
3 other unprotected wild animals ~~and if the raccoons, foxes or other unprotected wild~~  
4 animals are not subject to regulation' under ch. 22.

5 **SECTION 28.** 29.321 of the statutes is repealed.

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

8 29.334 (1) A person who hunts or traps any game animal, game bird or  
9 fur-bearing animal shall kill ~~the animal~~ & when it is taken and make it part of the  
10 daily bag or shall release ~~the animal~~ it unless ~~authorized under s. 29.857, 29.863,~~  
11 ~~28.867, 29.869, 29.871 or 29.877~~ the person has the authority to possess it under ch.  
12 22. *(, as affected by 1999 Wisconsin Act 9,*

13 **SECTION 30.** 29.347 (2) of the statutes <sup>s.</sup> is amended to read:

14 **29.347 (2) DEER TAGS.** Except as provided under sub. (5) and s. 29.324 (3), any  
15 person who kills a deer shall immediately attach to the ear or antler of the deer a  
16 current validated deer carcass tag which is authorized for use on the type of deer  
17 killed. Except as provided under sub. (2m) <sup>or s. 29.871 (7), (8) or (14)</sup> <sup>or 29.89 (6)</sup>, no person may  
18 possess, control, store or transport a deer carcass unless it is tagged as required  
19 under this subsection. The carcass tag may not be removed before registration. The  
20 removal of a carcass tag from a deer before registration renders the deer untagged.

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

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

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

*Placed w/ 1999 Act 9*

**BILL**

1           29.351 (1) (c) Possess the raw skin of any muskrat, mink, otter, fisher or pine  
2 marten at any time unless the person is the holder of a valid scientific collector  
3 permit, fur dealer license, trapping license or resident conservation patron license.  
4 No license is required ~~for a person breeding, raising and producing domestic~~  
5 ~~fur-bearing animals in captivity, as defined in s. 29.873,~~ or for a person authorized  
6 to take muskrats on a cranberry marsh under a permit issued to the person by the  
7 department.

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

9           29.351 (2) Subsection (1) does not apply to the skins of fur-bearing animals  
10 that are subject to regulation under ch. 22.

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

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

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

21           29.354 (2) (a) ~~No person, except a~~ Except as provided in par. (b), no person who  
22 has a valid scientific collector permit, may take, needlessly destroy or possess or have  
23 under his or her control the nest or eggs of any wild bird for which a closed season  
24 is prescribed under this chapter.

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

**BILL**

1           29.354 (2) (b) A person who has a valid scientific collector permit may take or  
2 possess or have under his or her control the nest of a wild bird and may destroy the  
3 nest if necessary for a scientific purpose.

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

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

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

8           29.357 (5) (b) Subsections (1) to (4) do not apply to the possession,  
9 transportation, delivery or receipt of farm-raised deer ~~or~~, farm-raised fish or wild  
10 animals that are subject to regulation under ch. 22.

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

12          29.361 (6) This section does not apply to the transportation of farm-raised deer  
13 or deer that are subject to regulation under ch. 22.

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

15          29.364 (5) **EXEMPTION; TAXIDERMISTS.** Subsections (1) to (3) do not apply to a  
16 person who has a valid taxidermist permit and who is transporting, in connection  
17 with his or her business, the carcass of a game bird ~~in connection with his or her~~  
18 business or the carcass of a wild bird that is subject to regulation under ch. 22.

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

20          29.501 (Sm) This section applies to raw furs and dressed furs from fur-bearing  
21 animals that are subject to regulation under ch. 22.

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

23          **29.506 (4) AUTHORIZATION.** Subject to this section, a taxidermist permit  
24 authorizes the permit holder to possess and transport ~~wild animals or~~ carcasses of  
25 wild animals in connection with his or her business. This authority supersedes, to

BILL

1 the extent permitted under this section, restrictions on the possession and  
2 transportation of ~~wild animals and~~ carcasses of wild animal<sup>3</sup> established under ch.  
3 A2 and this chapter permit entitles the permit holder to the same  
4 privileges as a Class A fur dealer's license.

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

6 29.539 (7) This section does not apply to the carcass of a wild animal that is  
7 subject to regulation under ch. 22.

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

9 29.541 (3) EXEMPTION. This section does not apply to the meat from  
10 farm-raised deer or ~~from~~ farm-raised fish gr to meat that is subject to regulation  
11 under s. 22.13 or 22.14. ) as affected by 1999 Wisconsin Act 9,

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

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

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

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

16 **29.614** (3) A scientific collector permit authorizes the permittee to collect or  
17 salvage, for scientific purposes only, ~~the eggs, nest and~~ live fish and the nests and  
18 carcasses of any wild animals specified in the permit subject to the conditions and  
19 limitations specified in the permit and the rules of the department. The permittee  
20 may use the specimens for the scientific purposes for which collected or salvaged and  
21 may transport them or cause them to be transported by common carrier. Possession  
22 of these specimens may not be transferred to any other person, except that these  
23 specimens may be exchanged for other specimens for scientific purposes. A scientific  
24 collector permit may authorize the use of net guns and tranquilizer guns for activities  
25 related to the purposes for which the permit is issued. Any person who is convicted

SECTION # 29.563(9)(c) of the statutes  
is repealed. do created by 199 Wisconsin  
Act 9,

**BILL**

1 of violating this chapter shall forfeit the person's permit and the permit is thereby  
2 revoked, in addition to all other penalties. Any person so convicted is not eligible for  
3 a permit under this section for one year following the conviction.

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

5 29.741 (title) **Food in the wild for game birds.**

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

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

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

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

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

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

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

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

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

15 **SECTION 59.** 29.853 (5) of the statutes is renumbered 29.334 (2) and amended  
16 to read:

17 29.334 (2) A person who violates ~~this section sub. (1)~~ shall forfeit not less than  
18 \$100 nor more than \$1,000.

19 **SECTION 66.** 29.855 (title) of the statutes is repealed.

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

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

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

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

24 **SECTION 65.** 29.855 (4) of the statutes is renumbered 22.04 (2) (e) and amended  
2 5 to read:

**BILL**

1           22.04 (2) (e) No person may operate on a live ~~wild~~ skunk to remove its scent  
 2 glands unless the person ~~who possesses~~ holds a Class A or Class B captive wild  
 3 animal farm license or unless the person is a veterinarian and the person bringing  
 4 the skunk is authorized under s. 29.857 or 29.869 to the veterinarian holds such a  
 5 license veterinarian to whom a person brings a live ~~wild~~ skunk for removal of its  
 6 scent glands ~~or for other treatment~~ shall verify whether the person holds a Class A  
 7 or Class B captive wild animal farm license. If the person does not hold such a license,  
 8 the veterinarian shall notify that person that possession of a live skunk is illegal and  
 9 shall notify the department.

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

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

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

13           SECTION 69. 29.857 of the statutes is repealed.

14           SECTION 70. 29.861 of the statutes is repealed.

15           SECTION 71. 29.863 of the statutes is repealed.

16           SECTION 72. 29.865 of the statutes is repealed.

17           SECTION 73. 29.867 of the statutes is repealed.

*as amended by 1997 Wisconsin Act 93*

18           SECTION 74. 29.869 of the statutes is repealed.

19           SECTION 75. 29.871 of the statutes is repealed.

20           SECTION 76. 29.873 of the statutes is repealed.

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

22           29.875 (1) The department may seize and dispose of or may authorize the  
 23 disposal of any deer that has escaped from land licensed under s. ~~29.867 or 29.871~~  
 24 22.15 or 22.16 or owned by a person registered under s. 95.55 if the escaped deer has

**BILL**

1 traveled more than 3 miles from the land or if the licensee or person has not had the  
2 deer returned to the land within 72 hours of the discovery of the escape.

3 **SECTION 78.** 29.877 of the statutes is repealed.

4 **SECTION 79.** 29,879 of the statutes is repealed.

5 **SECTION 80.** 29.881 of the statutes is repealed.

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

7 29.885 (1) (f) Notwithstanding s. ~~29.01 (14)~~ 29.001 (90), "wild animal" means  
8 any undomesticated mammal or bird, but does not include farm-raised deer ~~or~~,  
9 farm-raised fish or wild animals that are subject to regulation under ch. 22.

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

11 29.889 (1) **DEFINITION.** (intro.) In this section, "wildlife damage" means damage  
12 caused by any of the following ~~noncaptive~~ wild animals that are not subject to  
13 regulation under ch. 22:

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

15 29.921 (7) **DOGS INJURING WILDLIFE.** A warden may kill a dog found running,  
16 injuring, causing injury to, or killing, any deer, other than farm-raised deer or deer  
17 subject to regulation under ch. 22, or destroying game birds, their eggs or nests, if  
18 immediate action is necessary to protect the deer or game birds, their nests or eggs,  
19 from injury or death.

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

21 29.927 (8) Any dog found running deer, except farm-raised deer or deer subject  
22 to regulation under ch. 22, at any time, or used in violation of this chapter.

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

24 **29.931 (2)** (a) The department and its wardens shall seize and hold, subject to  
25 the order of the court for the county in which the alleged offense was committed, any



**BILL**

1 vehicle, boat or object declared by this chapter to be a public nuisance, or which they  
 2 have probable cause to believe is being used in violation of this chapter or s. 167.31,  
 3 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, is being used in the commission  
 4 pf a crime involving an animal normally found in the wild in violation of s. 951.09 or  
 5 is being used in the commission of a crime relating to a submerged cultural resource  
 6 in violation of s. 44.47. If it is proven that the vehicle, boat or object is a public  
 7 nuisance or that within 6 months previous to the seizure the vehicle, boat or object  
 8 was used in violation of this chapter or s. 167.31, 287.81, 940.24, 941.20, 948.60,  
 9 948.605 or 948.61, was used in the commission of a crime involving an animal  
 10 normally found in the wild in violation of s. 951.09 or was used in the commission of  
 11 a crime relating to a submerged cultural resource in violation of s. 44.47, it shall be  
 12 confiscated if the court directs in its order for judgment.

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

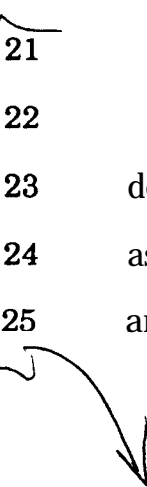
14 **29.969 Larceny of game.** A person who, without permission of the owner,  
 15 disturbs or appropriates any wild animal or its carcass that has been lawfully  
 16 reduced to possession by another shall forfeit not less than \$1,000 nor more than  
 17 \$2,060. This section does not apply to farm-raised deer ~~or~~, farm-raised fish or wild  
 18 animals that are subject regulation under ch. 22.

19 **SECTION 87.** 49.857 (1) (d) 2. of the statutes is amended to read: *as affected by 1999 Wisconsin Act 9,*  
 20 49.857 (1) (d) 2. An approval specified in s. ~~29.09(11m)~~ 22.34 or 29.024 (2g).

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

22 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be  
 23 deposited in the state treasury, the amounts required by s. ~~165.87~~ <sup>757.05</sup> for the penalty  
 24 assessment surcharge, the amounts required by s. 165.755 for the crime laboratories  
 25 and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the

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SECTION 88

*The amounts required by s. 100.261 for the consumer information assessment*

1 weapons assessment, the amounts required by s. 973.045 for the crime victim and  
 2 witness assistance surcharge, the amounts required by s. 938.34 (8d) for the  
 3 delinquency victim and witness assistance surcharge, the amounts required by s.  
 4 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by  
 5 s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts  
 6 authorized by s. 971.37 (lm) (c) 1. or required by s. 973.055 (1) for the domestic abuse  
 7 assessment, the amounts required by s. 253.06 (4) (c) for the enforcement assessment  
 8 under the supplemental food program for women, infants and children, the amounts  
 9 required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing  
 10 improvement assessment, the amounts required by s. 346.655 (2) (a) and (b) for the  
 11 driver improvement surcharge, the amounts required by s. 102.85 (4) for the  
 12 uninsured employer assessment, the amounts required by s. 299.93 for the  
 13 environmental assessment, the amounts required by s. 29.983 for the wild animal  
 14 protection assessment, the amounts required by ~~s. ss. 22.46 (1) and~~ 29.987 for the  
 15 natural resources assessment surcharge, the amounts required by s. 29.985 for the  
 16 fishing shelter removal assessment, the amounts required by s. 350.115 for the  
 17 snowmobile registration restitution payment and the amounts required by ~~s. ss.~~  
 18 22.46 (2) and 29.989 for natural resources restitution payments, transmit to the state  
 19 treasurer a statement of all moneys required by law to be paid on the actions entered  
 20 during the preceding month on or before the first day of the next succeeding month,  
 21 certified by the county treasurer's personal signature affixed or attached thereto,  
 22 and at the same time pay to the state treasurer the amount thereof.

(23)

SECTION 89. 59.40 (2) (m) *as affected by 1999 Wisconsin Act 9,* of the statutes is amended to read:

24 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's  
 25 percentage of the fees required to be paid on each civil action, criminal action and

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**BILL**

1 special proceeding filed during the preceding month and pay monthly to the  
 2 treasurer for the use of the state the percentage of court imposed fines and forfeitures  
 3 required by law to be deposited in the state treasury, the amounts required by s.  
 4 ~~165.87(2)(b)~~ <sup>165.87(2)(b)</sup> <sup>757.05</sup> for the penalty assessment surcharge, the amounts required by s.  
 5 165.755 for the crime laboratories and drug law enforcement assessment, the  
 6 amounts required by s. 167.31 (5) for the weapons assessment, the amounts required  
 7 by s. 973.045 for the crime victim and witness assistance surcharge, the amounts  
 8 required by s. 938.34 (8d) for the delinquency victim and witness assistance  
 9 surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis  
 10 surcharge, the amounts required by s. 961.41 (5) for the drug abuse program  
 11 ~~improvement surcharge,~~ <sup>the amounts required by s. 100.261 for the consumer infor-</sup> the amounts authorized by s. 971.37 (1m) (c) 1. or required <sup>mation</sup>  
 12 <sup>assessment</sup> by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by  
 13 s. 253.06 (4) (c) for the enforcement assessment under the supplemental food  
 14 program for women, infants and children, the amounts required by ss. 346.177,  
 15 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the  
 16 amounts required by s. 346.655 for the driver improvement surcharge, the amounts  
 17 required by s. 102.85 (4) for the uninsured employer assessment, the amounts  
 18 required by s. 299.93 for the environmental assessment, the amounts required under  
 19 s. 29.983 for the wild animal protection assessment, the amounts required under ~~s.~~  
 20 ss. 22.46 (1)(d) and 29.987 (1) (d) for the natural resources assessment surcharge,  
 21 the amounts required by s. 29.985 for the fishing shelter removal assessment, the  
 22 amounts required by s. 350.115 for the snowmobile registration restitution payment  
 23 and the amounts required under ~~s.~~ ss. 22.46 (2)(d) and 29.989 (1) (d) for the natural  
 24 resources restitution payments. The payments shall be made by the 15th day of the  
 25 month following receipt thereof.

**BILL**

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

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

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

4           **167.31 (4)** (b) Subsections (2) (a), (b) and (c) and (3) (a) and (b) do not apply to  
5 the holder of a scientific research license under s. 22.25 or a scientific collector permit  
6 under s. 29.614 who is using a net gun or tranquilizer gun in an activity related to  
7 the purpose for which the license or permit was issued.

8           **SECTION 92.** 173.01 (1) of the statutes, as created by 1997 Wisconsin Act 192,  
9 is renumbered 173.01 (lm).

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

11          173.01 (lb) “Conservation warden” means a warden appointed under s. 23.10.

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

13          173.01 (ld) “Custodial entity” means a political subdivision, a person  
14 contracting under s. 173.15 (1) or the department of natural resources.

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

16          173.01 (lr) “Governmental unit” means a political subdivision or the  
17 department of natural resources.

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

19          173.01 (2) “Law enforcement offker” has the meaning given in s. 165.85 (2) (c)  
20 and does not include a conservation warden.

21          **SECTION 97.** 173.07 (4m) of the statutes, as created by 1997 Wisconsin Act 192,  
22 is amended to read:

23          173.07 (4m) **REQUEST PROSECUTIONS.** A humane offker may request law  
24 enforcement officers, conservation wardens and district attorneys to enforce and  
25 prosecute violations of state law and may cooperate in those prosecutions.

**BILL**

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

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

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

20           **173.11 (5) NONAPPLICABILITY.** This section does not apply to wild animals that  
21 are subject to regulation under ch. 22.

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

## BILL

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

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

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

8           173.12 (1) (b) If the animal is a wild animal subject to regulation under ch. 22,  
9 the veterinarian shall report the matter to the department of natural resources.

10          **SECTION 102.** 173.12 (1m) of the statutes, as created by 1997 Wisconsin Act 192,  
11 is amended to read:

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

19          **SECTION 103.** 173.12 (3) (a) of the statutes, as created by 1997 Wisconsin Act  
20 192, is amended to read:

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

## BILL

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

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

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

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

10           173.13 (1) (d) This subsection does not apply to wild animals that are subject  
11 to regulation under ch. 22.

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

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

18           **SECTION 107.** 173.13 (2) (a) 1. of the statutes, as created by 1997 Wisconsin Act  
19 192, is amended to read:

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

24           **SECTION 108.** 173.13 (2) (a) 3. of the statutes, as created by 1997 Wisconsin Act  
25 192, is amended to read:

**BILL**

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

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

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

7           **SECTION 110.** 173.13 (2) (b) of the statutes, as created by 1997 Wisconsin Act  
8 192, is amended to read:

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

13           **SECTION 111.** 173.13 (3) (a) of the statutes, as created by 1997 Wisconsin Act  
14 192, is amended to read:

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

20           **SECTION 112.** 173.13 (3) (b) of the statutes, as created by 1997 Wisconsin Act  
21 192, is amended to read:

22           173.13 (3) (b) If a humane officer ~~or~~, law enforcement officer or conservation  
23 warden takes custody of an animal without the knowledge of the owner, the humane  
24 officer ~~or~~, law enforcement officer or conservation warden shall promptly notify the  
2 5 owner in writing if he or she can be identified and located with reasonable effort. The



**BILL**

1 notice shall explain the procedure by which the owner can recover the animal,  
2 including the procedure under s. 173.22, and the procedure to be followed if the  
3 animal is not returned to the owner. The notice shall also inform the owner that the  
4 owner must notify any person with a lien on the animal that the animal has been  
5 taken into custody.

6 **SECTION 113.** 173.13 (3) (c) of the statutes, as created by 1997 Wisconsin Act  
7 192, is amended to read:

8 173.13 (3) (c) If the owner informs the humane officer ~~or~~, law enforcement  
9 officer or conservation warden in writing that he or she will not claim the animal, it  
10 may be treated as an unclaimed animal under s. 173.23 (1m).

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

13 173.15 (1) ~~PROVIDING SERVICES.~~ A political subdivision may provide for the care,  
14 treatment or disposal of animals taken into custody ~~by a humane officer or law~~  
15 ~~enforcement officer~~ under s. 173.13. The department of natural resources may  
16 provide for the care, treatment or disposal of wild animals subject to regulation  
17 under ch. 22 that are taken into custody under s. 22.42. A political subdivision ~~gr the~~  
18 department of natural resources may provide these services directly or by  
19 contracting with any other person. A political subdivision ~~gr the department of~~  
20 natural resources may establish standard fees for the care, custody and treatment  
21 of animals in its custody. The political subdivision ~~gr the department of natural~~  
22 resources may establish different fees for animals released to their owners and  
23 animals released to persons other than their owners.' If the political subdivision ~~or~~  
24 the department of natural resources does not establish standard fees, it may charge

**BILL****SECTION 114**

1 no more than the actual costs of care, custody or treatment to any person required  
2 to pay for the care, custody or treatment of an animal.

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

5 173.15 (2) ~~CONTRACT FOR SERVICES.~~ (intro.)- Every person entering into a  
6 contract with a political subdivision ~~or the department of natural resources~~ under  
7 sub. (1) shall agree to do all of the following:

8 **SECTION 116.** 173.17 (intro.) of the statutes, as created by 1997 Wisconsin Act  
9 192, is amended to read:

10 **173.17 Records.** (intro.) A humane officer or law enforcement officer taking  
11 custody of an animal ~~on behalf of a political subdivision~~ under s. 173.13 or a  
12 conservation warden taking custody of an animal under s. 22.42 shall maintain, or  
13 require any person to whom the animal is delivered under a contract under s. 173.15  
14 (1) to maintain, as appropriate, records for each animal containing the following  
15 information:

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

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

**BILL**

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

3           173.21 (1) **GROUNDS.** (intro.) A political subdivision gr the denartment of  
4 natural resources may withhold, or direct a person contracting with the political  
5 &division or the denartment of natural resources under s. 173.15 (1) to withhold,  
6 an animal in custody from an owner who makes an otherwise adequate claim for the  
7 animal under s. 173.23 (1) on any of the following grounds:

8           **SECTION 119.** 173.21 (1) (a) of the statutes, as created by 1997 Wisconsin Act  
9 192, is amended to read:

10           173.21 (1) (a) There are reasonable grounds to believe that the owner has  
11 mistreated the animal in violation of ch. 951 gr in violation of ch. 22 if the animal is  
12 a wild animal subject to regulation under ch. 22.

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

15           173.21 (4) **RETURN.**, A ~~political s. division or person contracting under s.~~  
16 ~~73.15(1) custodial entity~~ having custody of an animal withheld under sub. (1) shall  
17 release the animal to the owner at the direction of the hum&e officer ~~or~~, law  
18 enforcement officer ~~that~~ or conservation warden who took custody of the animal if  
19 the requirements of s. 173.23 (1) (a) to (c) are satisfied.

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

22           173.22 (1) **PETITION.** A person claiming that an animal that he or she owns was  
23 improperly taken into custody under s. 22.42(1)(c), (d), (e), (g), (i), (j), (k) or (L) or  
24 173.13 (1)(a) 3., 4., 5., 6. or 8. or is wrongfully withheld under s. 173.21 (1) may seek

**BILL**

1 return of the animal by petitioning for an order from the circuit court for the county  
2 in which the animal was taken into custody or in which it is held.

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

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

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

12 173.22 (3) (a) (intro.) If the animal was taken into custody under s. 22.42 (1)  
13 (g) ~~or~~ 173.13 (1) (a) 8. or is withheld under s. 173.21 (l), the court shall order the  
14 animal returned to the owner unless it determines that one of the following  
15 conditions is satisfied:

16 **SECTION 124.** 173.22 (3) (a) 1. of the statutes, as created by 1997 Wisconsin Act  
17 192, is amended to read:

18 173.22 (3) (a) 1. There are reasonable grounds to believe that the owner has  
19 mistreated the animal in violation of ch. 22 or 951.

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

21 173.22 (3) (cm) If the animal was taken into custody under s. 22.42 (1) (c), the  
22 court shall order the animal returned to its owner if the court determines that the  
23 the owner of the animal has not violated ch. 22 or any ordinance enacted under s.  
24 **22.43.**

## BILL

1           **SECTION 126.** 173.22 (3) (d) of the statutes, as created by 1997 Wisconsin Act  
2 192, is amended to read:

3           173.22 (3) (d) If the animal was taken into custody under s. ~~22.42 (1) (d) or~~  
4 173.13 (1) (a) 5., the court shall order the animal returned to its owner if the court  
5 determines that the animal was not subject to a quarantine order or was confined as  
6 required by a quarantine order.

7           **SECTION 127.** 173.22 (3) (e) of the statutes, as created by 1997 Wisconsin Act  
8 192, is amended to read:

9           173.22 (3) (e) If the animal was taken into custody under s. ~~22.42 (1) (e) or~~  
10 173.13 (1) (a) 6., the court shall order the animal returned to its owner if the court  
11 determines that the animal did not cause damage to persons or property.

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

13           173.22 (3) (f) If the animal was taken into custody under s. 22.42 (1) (i), the  
14 court shall order the animal returned to its owner if the court determines that the  
15 animal has not been exposed to, or has not been infected with, any of the following:

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

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

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

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

23           173.22 (3) (g) If the animal was taken into custody under s. 22.42 (1) (k), the  
24 court shall order the animal returned to its owner if the court determines that the  
25 animal has not been held or housed in violation of s. 22.39.

**BILL**

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

2           173.22 (3) (h) If the animal was taken into custody under s. 22.42 (1) (L), the  
3 court shall order the animal returned to its owner if the court determines that the  
4 owner is not in violation of s. 22.38.

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

7           173.23 (1) CLAIM AND RETURN. (intro.) Except as provided in sub. (4) or s. 173.21  
8 (1), a ~~political subdivision or person contracting under s. 173.15 (1) custodial entity~~  
9 shall return an animal described in s. ~~22.42 (1) (a), (c), (e), (g), (h), (i) or (k)~~ or 173.13  
10 (1) (a) 1., 3., 4., 6., 8. or 9. to its owner upon the happening of all of the following:

11           **SECTION 132.** 173.23 (1) (b) of the statutes, as created by 1997 Wisconsin Act  
12 192, is amended to read:

13           173.23 (1) (b) If licensure of the animal is required by statute or ordinance, the  
14 animal is licensed or assurance of licensure by prepayment is given.

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

16           173.23 (1) (bn) If licensure of the owner of a wild animal that is subject to  
17 regulation under ch. 22 is required under ch. 22, the owner is licensed or assurance  
1 8 of licensure by prepayment is given.

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

21           173.23 (1m) UNCLAIMED ANIMALS. (intro.) A ~~political subdivision or a person~~  
22 ~~contracting under s. 173.15 (1) custodial entity~~ that has custody of an animal  
23 considered unclaimed under sub, (5) (c) or (6) or s. 173.13 (3) (c) or 173.19 or an  
24 unwanted animal may do any of the following:

a

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## BILL

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

3           173.23 **(1m)**(a)2. If licensure of the animal is required by statute or ordinance,  
4 the animal is licensed or assurance of licensure is given by evidence of prepayment.

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

7           173.23 **(1m)** (a) 2m. If licensure of ~~the~~ owner of a wild animal that is subject  
8 to regulation under ch. 22 is required under ch. 22, the owner is licensed or assurance  
9 of licensure by prepayment is given.

10           **SECTION 137.** 173.23 (1m) (a) 4. of the statutes, as created by 1997 Wisconsin  
11 Act 192, is amended to read:

12           173.23 **(1m)** (a) 4. Any charges imposed by the ~~political subdivision or person~~  
13 ~~contracting under s. 173.15 (1)~~ custodial entity for custody, care, vaccination and  
14 treatment are paid or waived.

15           **SECTION 138.** 173.23 (2) of the statutes, as created by 1997 Wisconsin Act 192,  
16 is amended to read:

17           173.23 (2) **ANIMALS NOT RETURNED TO OWNER.** If an animal in the custody of a  
18 political subdivision ~~or the department of natural resources~~, other than an animal  
19 to which sub. **(1m)** applies, is not returned to the owner under sub. (1) or (5) (b) or  
20 s. 173.12 **(2)**, **173.21 (4)** or 173.22 or disposed of under sub. (4) or (5) (a) or s. 173.12  
21 **(3)**, it shall be disposed of under a court order under sub. (3) or s. 951.18 (4).

22           **SECTION 139.** 173.23 (3) (a) (intro.) ~~of the~~ statutes, as created by 1997 Wisconsin  
23 Act 192, is amended to read:

24           173.23 (3) (a) (intro.) A political subdivision or the department of natural  
25 resources may petition the circuit court for an order doing any of the following with

**BILL**

1 respect to an animal taken into custody ~~by a law enforcement officer or a humane~~  
2 ~~officer or on behalf of the~~ political subdivision under s. 173.13 or the department  
3 natural resources under s. 22.42 or with respect to an animal withheld under s.  
4 173.21 (1):

5 **SECTION 140.** 173.23 (3) (c) of the statutes, as created by 1997 Wisconsin Act  
6 192, is amended to read:

7 173.23 (3) (c) The political subdivision ~~or the department of natural resources~~  
8 shall serve a copy of the petition, in the manner provided in s. 801.11, upon the owner  
9 of the animal, if known.

10 **SECTION 141.** 173.23 (3) (e) of the statutes, as created by 1997 Wisconsin Act  
11 192, is amended to read:

12 173.23 (3) (e) The court shall issue its order after hearing and may grant,  
13 modify and grant or deny the petitioned-for relief, after considering the interests of  
14 the animal, the owner of the animal, the political subdivision ~~or the department of~~  
15 natural resources and the public.

16 **SECTION 142.** 173.23 (4) of the statutes, as created by 1997 Wisconsin Act 192,  
17 is amended to read:

18 **173.23 (4) INJURED OR DANGEROUS ANIMALS.** ~~A political subdivision or person~~  
19 ~~contracting under s. 173.15 (1) custodial entity~~ who has custody of an animal may  
20 have the animal euthanized if there are reasonable grounds to believe that any of the  
21 following ~~apply~~ applies:

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

24 **1 7 3 . 2 3 ( 5 ) ( a ) A )** ~~173.15 (1)~~  
25 custodial entity that has custody of an animal that was not confined as required by

8



## BILL

1 a quarantine order issued under any statute, rule or ordinance relating to the control  
2 of any animal disease shall confine the animal for the duration of the quarantine or  
3 shall euthanize the animal with the written permission of the owner or, if the animal  
4 is determined to be diseased, at the direction of the person issuing the quarantine  
5 order.

6 **SECTION 144.** 173.23 (5) (b) of the statutes, as created by 1997 Wisconsin Act  
7 192, is amended to read:

8 173.23 (5) (b) Unless the person issuing the quarantine order directs that the  
9 animal be euthanized because it is diseased, at the end of the quarantine period the  
10 ~~political subdivision or person contracting under s. 173.15 (1) custodial entity~~ shall  
11 return the animal to its owner if the owner complies with sub. (1) (a) to (d) no later  
12 than the 7th day after the day on which the ~~political subdivision or person~~  
13 ~~contracting under s. 173.15 (1) custodial entity~~ demands that the owner claim the  
14 animal and pay for its custody, care and treatment.

15 **SECTION 145.** 173.25 of the statutes, as created by 1997 Wisconsin Act 192, is  
16 amended to read:

17 **173.25 Immunity for euthanizing animals.** A ~~political subdivision, a~~  
18 ~~person contracting under s. 173.15 (1) custodial entity,~~ a humane officer ~~or,~~ a law  
19 enforcement officer ~~or a conservation warden~~ who has reasonable grounds to believe  
20 that s. 173.23 (1m) (c), (4) or (5) or a court order issued under s. 173.23 (3) ~~authorize~~  
21 **authorizes** an animal to be euthanized is not liable for damages for the loss of the  
22 animal resulting from euthanizing the animal.

23 **SECTION 146.** 814.60 (2) (e) of the statutes is amended to read:

24 814.60 (2) (e) Natural resources restitution payment imposed by s. ~~22.46 (2) (d)~~  
25 ~~or~~ 29.989.

**BILL**

1           **SECTION 147.** 895.57 (3) of the statutes is amended to read:

2           895.57 (3) Subsection (2) does not apply to any humane officer, local health  
3           offker, peace **officer**, employe of the department of natural resources while on any  
4           land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 22.15.  
5           22.19 or designated as a wildlife refuge under s. 29.621 (1) or employe of the  
6           department of agriculture, trade and consumer protection if the **officer's** or employe's  
7           acts are in good faith and in an apparently authorized and reasonable fulfillment of  
8           his or her duties.

9           **SECTION 148.** 943.75 (3) of the statutes is amended to read:

10           943.75 (3) Subsection (2) does not apply to any humane offker, local health  
11           offker, peace officer, employe of the department of natural resources while on any  
12           land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 22.15, 22.16, 22.17, 22.18 or  
13           22.19 or designated as a wildlife refuge under s. **29.621 (1)** or employe of the  
14           department of agriculture, trade and consumer protection if the **officer's** or employe's  
15           acts are in good faith and in an apparently authorized and reasonable fulfillment of  
16           his or her duties. This subsection does not limit any other person from claiming the  
17           defense of privilege under s. 939.45 (3).

18           **SECTION 149.** 951.01 (lm) of the statutes is created to read:

19           951.01 **(1m)** "Conservation **warden**" means a warden appointed under s. 23.10.

20           **SECTION 150. 951.015** of the statutes is renumbered **951.015 (1)** and amended  
21           to read:

22           **951.015 (1)** This chapter may not be interpreted as controverting any law  
23           regulating wild animals that are subject to regulation under ch. 22, the taking of a  
24           wild animal wild animals, as defined in, s. 29.001 (90), ~~the trapping of animals, the~~

**BILL**

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~~ ~~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.

**BILL**

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  
7  
8

(a) A ~~white-tailed~~ deer that is shot, killed or wounded as authorized under s.  
22.09 (2) or <sup>22.14</sup>~~22.39~~ (5).

*that is shot, killed or wounded*

(b) A captive wild bird ~~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 gr 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.

**BILL**

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 denartment 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 denartment 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 (1m), 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 <sup>as affected by 1999 Wisconsin Act 9,</sup> 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~~ <sup>757.07</sup>, 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 (1m) (c) 1. or 973.055, any applicable driver  
25 improvement surcharge imposed by s. 346.655, any applicable enforcement

*Prof 2/19/09*

*any applicable consumer information assessment imposed by s. 100.261,*

**BILL****SECTION 157**

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 *any applicable consumer information assessment,* 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)**

*Insert 73-17 ✓*

*Prop of 99 W.A. 9*

23.65 (1) When it appears to the district attorney that a violation of s. 134.60, 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 or 299.64 (2), this chapter or ch. 26, 27, 28, 29, 30, 31 or 350, or any administrative rule promulgated pursuant thereto, ~~or~~ a violation specified under s. 285.86, or a violation of ch. 951. if the animal involved is a captive wild animal. has been committed the district attorney may proceed by complaint and summons.

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

LRB-0538/2dn

MGG:kg:km

1. Note how I made the change you requested in the first sentence of the analysis. Current DNR farm licenses do not cover deer of the genus *dama*, *cervus* or *rangifer*. See s. 29.871 (1m). I assume that there are other types of deer besides these and white-tailed. If not, then s. 29.871 only covers white-tailed deer and the analysis will need to be changed. *that*

2. I deleted s. 22.31 (2) (b) as you requested. As a result, I thought changes in s. 22.33 (3) were necessary. Please review. ✓

3. I moved the material in s. 22.39 (5) to s. 22.16 (5) since its scope has been limited to white-tailed deer. OK? *that* ✓

4. The instructions I received for changes in s. 951.09 (3) were not clear, but both s. 951.09 (3) (a) and (b) must use the phrase "shot, killed or wounded" since that is the phrasing used in s. 951.09 (1). ✓

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



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

LRB-0538/2dn  
MGG:kg:kjf

November 18, 1999

1. Note how I made the change that you requested in the first sentence of the analysis. Current DNR farm licenses do not cover deer of the genus *dama*, *cervus* or *rangifer*. See s. 29.871 (1m). I assume that there are other types of deer besides these and white-tailed. If not, then s. 29.871 only covers white-tailed deer and the analysis will need to be changed.

2. I deleted s. 22.31 (2) (b) as you requested. As a result, I thought changes in s. 22.33 (3) were necessary. Please review.

3. I moved the material in s. 22.39 (5) to s. 22.16 (5) since its scope has been limited to white-tailed deer. OK?

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