

BILL**22.38 Entry requirements; interstate health certificates. (1)**

1 **22.38 Entry requirements; interstate health certificates. (1)**
2 **CONDITIONS.** Except as provided in sub. (4), a person may ship or transport a live wild
3 animal into this state if the person complies with all of the following requirements:

4 (a) The wild animal is accompanied by sufficient documentation to prove that
5 the wild animal was legally obtained and possessed in the state, province or country
6 of its origin.

7 (b) For wild animals to be exhibited as authorized under a nonresident
8 temporary exhibiting license, the person holding the license complies with any
9 applicable rules promulgated by the department of agriculture, trade and consumer
10 protection.

11 **(2) OTHER REQUIREMENTS.** (a) In addition to the requirements under sub. (1)
12 (a) and (b), the department of natural resources or the department of agriculture,
13 trade and consumer protection may require that the wild animal be accompanied by
14 a valid interstate health certificate or a valid certificate of veterinary inspection
15 issued by a veterinarian. The person shipping or transporting the animal shall file
16 a copy of the certificate with the chief livestock health official in the state, province
17 or country of origin in accordance with the laws of the jurisdiction. The department
18 requiring the certificate may also require that the person shipping or transporting
19 the live wild animal file a copy of the certificate with that department.

20 (b) If the department requires a certificate under par. (a) and if the wild animal
21 is a wild bird, the department shall accept a certification under the national poultry
22 improvement plan under 9 CFR part 145 in lieu of the certificate.

23 **(3) CERTIFICATES.** Interstate health certificates or certificates of veterinary
24 inspection are valid only if they are issued within 30 days before entry into this state
25 and only if all of the following apply:

BILL

1 (a) The certificate shows that all of the requirements established under the
2 rules promulgated under s. 22.44 (3) have been met.

3 (b) The certificate shows the results of any testing for disease that is required
4 under the rules promulgated under s. 22.44 (3).

5 (4) **EXEMPTIONS FROM STATE ENTRY REQUIREMENTS.** (a) Subsections (1) and (2) do
6 not apply to a person shipping or transporting a live wild animal into this state if the
7 wild animal will be sent directly to slaughter at an establishment licensed under s.
8 97.42 or for which inspection is granted under 9 CFR part 304 and if the wild animal
9 is accompanied by a bill of lading that contains all of the following information:

10 1. A description of the wild animal.

11 2. A description of any official identification on the wild animal, including any
12 ear or back tag, leg band or tattoo.

13 3. The number of the license or other approval of the person shipping or
14 transporting the wild animal, as required by the state, province or country of origin.

15 4. The destination for slaughter.

16 (b) Subsections (1) and (2) do not apply to a person shipping or transporting a
17 live wild animal into this state for medical treatment if the wild animal is sent
18 directly to a veterinarian or to a person holding a rehabilitation license for medical
19 treatment.

20 (c) The department may grant an exception from the requirement of having the
21 wild animal accompanied by a valid interstate health certificate or valid certificate
22 of veterinary inspection issued by a veterinarian if any of the following applies:

23 1. Any required testing for disease has been conducted and the results are
24 pending.

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).

BILL

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.

(e) No veterinarian may fail to report 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), in a wild animal.

(2) **TAMPERING; COMMINGLING.** (a) No person may remove, alter or tamper in any way with any form of official identification on a wild animal, including any ear or back tag, leg band or tattoo.

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1 (b) No person may cause or permit the commingling of wild animals with
2 domesticated animals, except as authorized by the department.

3 (3) **TAKING OF WILD ANIMALS.** A person who hunts, traps, kills or takes a wild
4 animal subject to this chapter on land subject to a license issued under this chapter
5 without the permission of the license holder or of the holder's employe or agent is
6 liable to the license holder for any damage that the person causes to any wild animal
7 that is subject to this chapter or to any property or land that is subject to the license.

8 **22.41 Quarantines. (1) SUMMARY ACTION.** (a) The department of natural
9 resources or the department of agriculture, trade and consumer protection may
10 summarily issue a quarantine order to control contagious, infectious or
11 communicable diseases, to protect the health of wild animals and domesticated
12 animals in this state and to control the possessing of wild animals in this state.

13 (b) No person may move any wild animal in violation of a quarantine order or
14 fail to comply with the terms and conditions of a quarantine order.

15 (2) **SERVICE OF NOTICE.** No quarantine order is effective until written notice of
16 the order is served upon any person possessing the wild animals and on any person
17 controlling the premises affected by the quarantine order. The department issuing
18 the quarantine order may serve the order in any of the following ways:

19 (a) By personal service.

20 (b) By registered mail.

21 (c) By posting a copy of the order at 2 conspicuous places on the premises
22 affected by the quarantine.

23 (3) **PROOF OF SERVICE.** Service of the quarantine order shall be proved by
24 affidavit, except for service by registered mail. Proof of service shall be filed with the
25 department.

BILL

1 (4) **CONTENTS OF ORDER.** The quarantine order shall contain all of the following
2 information:

3 (a) The name and address of the person affected by the quarantine.

4 (b) The identification of all wild animals affected by the quarantine.

5 (c) A description of the premises affected by the quarantine.

6 (d) The reason or justification for the quarantine.

7 (e) All terms and conditions applicable to the quarantine.

8 (f) Notice of the right to request a hearing to review the quarantine.

9 (5) **DURATION OF ORDER.** A quarantine order shall remain in effect until a
10 written notice of release is issued by the department issuing the order or until a
11 decision releasing the order is rendered under sub. (6).

12 (6) **REVIEW OF ORDER.** Any person affected by a quarantine order shall be
13 granted a hearing by the department issuing the order to determine whether the
14 order shall remain in effect if the person requests the hearing within 30 days after
15 the date of service of the order. The hearing shall be treated as a contested case if
16 the requirements of s. 227.42 (1) are met.

17 22.42 **Taking custody of captive wild animals.** (1) **INTAKE OF WILD ANIMALS**
18 A conservation warden may take into custody a wild animal that is subject to
19 regulation under this chapter on behalf of the department of natural resources if the
20 conservation warden has reasonable grounds to believe that the wild animal is one
21 of the following:

22 (a) An abandoned or stray captive wild animal.

23 (b) An unwanted captive wild animal delivered to the conservation warden.

BILL

1 (c) A wild animal possessed, taken, introduced, stocked, released, exhibited,
2 propagated, rehabilitated, hunted, sold or purchased in violation of this chapter or
3 any ordinance enacted under s. 22.43.

4 (d) A captive wild animal that is not confined as required by a quarantine order
5 under s. 22.41 or any rule or ordinance relating to the control of any animal disease.

6 (e) A captive wild animal that has caused damage to persons or property.

7 (f) A participant in an animal fight intentionally instigated by any person.

8 (g) A captive wild animal that has been mistreated in violation of this chapter
9 or ch. 951.

10 (h) A captive wild animal delivered by a veterinarian under s. 173.13 (2).

11 (i) A captive wild animal that is dead, dying or sick and that has been exposed
12 to, or is known to be infected with, a contagious or infectious disease as defined in
13 the rules promulgated by the department of agriculture, trade and consumer
14 protection under s. 95.001 (2), with a reportable disease as designated by the
15 department of natural resources under s. 22.44 (2), or with a disease or parasite that
16 has pathological significance to humans or to any animals.

17 (j) A captive wild animal that has escaped and has not been returned to its
18 owner or another person who is authorized to possess the animal.

19 (k) A wild animal that is being housed or held in violation of s. 22.39.

20 (L) A wild animal that has entered the state in violation of s. 22.38.

21 (2) **TRANSFER OF WILD ANIMALS.** (a) A conservation warden shall accept into
22 custody any wild animal that is delivered by a law enforcement officer or humane
23 officer.

24 (b) A conservation warden taking custody of a wild animal shall comply with
25 the applicable procedures under ch. ,173.

BILL

1 **22.43 Local ordinances.** A municipality or county may enact and enforce an
2 ordinance that prohibits the possession or selling of live wild animals.

3 **22.44 Rules by the department. (1) DOMESTICATED ANIMALS.** The
4 department shall promulgate rules specifying which animals are domesticated
5 animals for purposes of s. 22.01 (7) (b).

6 **(2) REPORTABLE DISEASES.** The department may promulgate rules listing
7 reportable diseases for purposes of this chapter.

8 **(3) INTRODUCTION REQUIREMENTS.** (a) The department may promulgate rules
9 to establish the following:

10 1. Additional requirements that wild animals shall meet before they enter this
11 state.

12 2. Additional requirements that any animals shall meet before they may
13 introduced, stocked or released into the wild.

14 (b) The requirements under par. (a) may include mandatory testing of the
15 animals for disease.

16 **(4) CERTIFICATES.** The department may promulgate rules that establish the
17 information that is required for issuing, and that shall be provided on, interstate
18 health certificates and certificates of veterinary inspection,

19 **22.45 Penalties; revocations, (1) DEFINITION.** In this section, “violation of
20 this chapter” means a violation of this chapter or any rule promulgated under this
21 chapter.

22 **(2) PENALTIES.** For a violation of this chapter, a person shall be subject to a
23 forfeiture of not more than \$200, except as follows:

BILL

1 (a) **Possession.** For possessing any live wild animal, or a carcass of a wild
2 animal, in violation of this chapter, a person shall forfeit not less than \$100 nor more
3 than \$500.

4 (b) **Sale or purchase.** For selling or purchasing any live wild animal in violation
5 of this chapter, a person shall be fined not less than \$100 nor more than \$2,000 or
6 imprisoned for not more than 6 months or both.

7 (c) **Possession, sale, release and descenting of live skunks.** For possessing,
8 selling, purchasing, descenting, introducing, stocking or releasing into the wild a live
9 skunk in violation of this chapter, a person shall forfeit not less than \$100 nor more
10 than \$1,000. This penalty shall apply in lieu of the penalties under pars. (a) and (b).

11 (d) **Taking of bear and deer.** For taking bear or deer from the wild in violation
12 of s. 22.05, or a rule promulgated thereunder, a person shall be fined not less than
13 \$1,000 nor more than \$2,000 or imprisoned for not more than 6 months or both.

14 (e) **Diseased and environmentally injurious wild animals.** For a violation of s.
15 22.11 (2) (b) or (c) or 22.40 (1) or a quarantine order issued under s. 22.41, a person
16 shall be fined not less than \$500 nor more than \$5,000 or imprisoned for not more
17 than 6 months or both.

18 (f) **Selling or purchasing venison from white-tailed deer.** For violation of s.
19 22.13 (1) or (2) or rules promulgated thereunder, a person shall be fined not less than
20 \$1,000 nor more than \$2,000 or imprisoned for not more than 6 months or both.

21 (g) **Obtaining license during period of revocation.** For obtaining any license
22 under this chapter during the period of time when that license is revoked or
23 suspended by any court, a person shall be fined not more than \$200 or imprisoned
24 for not more than 90 days or both.

BILL

1 (3) ~~PENALTY; VIOLATION OF ORDER.~~ Any person who fails to comply with an order
2 issued under s. 22.39 (4) within 10 days after its issuance is subject to a forfeiture
3 of not more than \$200.

4 (4) ~~DIMINISHED PENALTIES.~~ No penalty imposed under sub. (2) shall be held to
5 be diminished because the violation for which it is imposed falls also within the scope
6 of a more general prohibition.

7 (5) ~~PENALTIES; REPEATERS.~~ If a person is convicted of any violation of this chapter
8 and it is alleged in the indictment, information or complaint, and proved or admitted
9 on trial or ascertained by the court after conviction that the person was previously
10 convicted within a period of 5 years for a violation of this chapter, the person shall
11 be subject to all of the following in addition to the penalty for the current violation:

12 (a) The person shall be fined not more than \$100 or imprisoned for not more
13 than 6 months or both.

14 (b) For violations under sub. (2) (a), (b), (d) and (e), the court shall revoke all
15 of the licenses issued to the person under this chapter, and the department may not
16 issue any license under this chapter to the person for a period of one year after the
17 current conviction.

18 (6) ~~COURTREVOCATIONSAND~~ ~~SUSPENSIONS.~~ In additiontoorin lieu ofanyother
19 penalty for violation of this chapter, the court may revoke or suspend any privilege
20 or license under this chapter for a period of up to 3 years.

21 (7) ~~REVOCATIONS BY THE DEPARTMENT.~~ In addition to revocations under subs. (5)
22 (b) and (6), the department may revoke any license to which any of the following
23 applies:

24 (a) The department determines that the license was fraudulently procured,
25 erroneously issued or otherwise prohibited by law.

BILL

1 (b) The department determines that the person holding the license is not in
2 compliance with this chapter or with a rule promulgated under this chapter.

3 (8) PROHIBITIONS DURING PERIODS OF SUSPENSION OR REVOCATION. (a) Any person
4 who has had an approval or privilege under this chapter revoked or suspended and
5 who engages in the activity authorized by the approval or in the privilege during the
6 period of revocation or suspension is subject to the following penalties, in addition
7 to any other penalty imposed for failure to have an approval:

8 1. For the first conviction, the person shall forfeit not less than \$300 nor more
9 than \$500.

10 2. If the number of convictions in a 5-year period equals 2 or more, the person
11 shall be fined not less than \$500 nor more than \$1,000.

12 (b) The 5-year period under par. (a) 2. shall be measured from the dates of the
13 violations which resulted in the convictions.

14 (9) PARTIES TO A VIOLATION. (a) Whoever is concerned in the commission of a
15 violation of this chapter is a principal and may be charged with and convicted of the
16 violation of this chapter although he or she did not directly commit it and although
17 the person who directly committed it has not been convicted of the violation of this
18 chapter.

19 (b) A person is concerned in the commission of the violation of this chapter if
20 the person does any of the following:

21 1. Directly commits the violation of this chapter.

22 2. Aids and abets the commission of the violation of this chapter.

23 3. Is a party to a conspiracy with another to commit the violation of this chapter
24 or advises, hires or counsels or otherwise procures another to commit it.

BILL**22.46 Natural resources assessments and restitution payments. (1)**

1 **NATURAL RESOURCES ASSESSMENTS.** (a) If a court imposes a fine or forfeiture for a
2 violation of this chapter or a rule promulgated under this chapter, the court shall
3 impose a natural resources assessment equal to 75% of the amount of the fine or
4 forfeiture.
5

6 (b) If a fine or forfeiture is suspended in whole or in part, the natural resources
7 assessment shall be reduced in proportion to the suspension.

8 (c) If any deposit is made for an offense to which this subsection applies, the
9 person making the deposit shall also deposit a sufficient amount to include the
10 natural resources assessment prescribed in this subsection. If the deposit is
11 forfeited, the amount of the natural resources assessment shall be transmitted to the
12 state treasurer under par. (d). If the deposit is returned, the natural resources
13 assessment shall also be returned.

14 (d) The clerk of the court shall collect and transmit to the county treasurer the
15 natural resources assessment and other amounts required under s. 59.40 (2) (m).
16 The county treasurer shall then make payment to the state treasurer as provided in
17 s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the natural
18 resources assessment in the conservation fund.

19 (e) All moneys collected from natural resources assessments shall be deposited
20 in the conservation fund and credited to the appropriation under s. 20.370 (3) (mu).

21 **(2) NATURAL RESOURCES RESTITUTION PAYMENTS.** (a) If a court imposes a fine or
22 forfeiture for a violation of this chapter for failure to obtain a license required under
23 this chapter, the court shall impose a natural resources restitution payment equal
24 to the amount of the fee for the license that was required and should have been
25 obtained.

BILL

1 (b) If a fine or forfeiture is suspended in whole or in part, the natural resources
2 restitution payment shall be reduced in proportion to the suspension unless the court
3 directs otherwise.

4 (c) If any deposit is made for an offense to which this subsection applies, the
5 person making the deposit shall also deposit a sufficient amount to include the
6 natural resources restitution payment prescribed in this subsection. If the deposit
7 is forfeited, the amount of the natural resources restitution payment shall be
8 transmitted to the state treasurer under par. (d). If the deposit is returned, the
9 natural resources restitution payment shall also be returned.

10 (d) The clerk of the court shall collect and transmit to the county treasurer the
11 natural resources restitution payment and other amounts required under s. 59.40
12 (2) (m). The county treasurer shall then make payment to the state treasurer as
13 provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the
14 natural resources restitution payment in the conservation fund.

15 (e) All moneys collected from natural resources restitution payments shall be
16 deposited in the conservation fund and credited to the appropriation account under
17 s. 20.370 (3) (mu).

18 SECTION 4. 23.09 (2) (f) of the statutes is amended to read:

19 **23.09 (2) (f) Propagation, - of fish.** Subject to s. 95.60, capture,
20 propagate, transport, sell or exchange any species of ~~game or~~ fish needed for stocking
21 or restocking any ~~lands or~~ waters of the state.

22 SECTION 5. 23.50 (1) of the statutes, as affected by 1999 Wisconsin Act 9, is
23 amended to read:

24 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
25 court to recover forfeitures, penalty assessments, jail assessments, applicable

BILL

1 weapons assessments, applicable environmental assessments, applicable wild
2 animal protection assessments, applicable natural resources assessments,
3 applicable fishing shelter removal assessments, applicable snowmobile registration
4 restitution payments and applicable natural resources restitution payments for
5 violations of ss. 77.09, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57
6 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2), subch. VI of ch.
7 77, this chapter and chs. 22 and 26 to 31 and of ch. 350, and any administrative rules
8 promulgated thereunder, violations specified under s. 285.86, violations of ch. 951
9 if the animal involved is a captive wild animal, violations of rules of the Kickapoo
10 reserve management board under s. 41.41 (7) (k) or violations of local ordinances
11 enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

12 SECTION 6. 23.50 (3) of the statutes is amended to read:

13 23.50 (3) All actions in municipal court to recover forfeitures, penalty
14 assessments and jail assessments for violations of local ordinances enacted by any
15 local authority in accordance with s. 23.33 (11) (am) or 30.77 shall utilize the
16 procedure in ch. 800. The actions shall be brought before the municipal court having
17 jurisdiction. Provisions relating to citations, arrests, questioning, releases,
18 searches, deposits and stipulations of no contest in ss. 23.51 ~~(1)~~ (1m), (3) and (8),
19 23.53, 23.54, 23.56 to 23.64, 23.66 and 23.67 shall apply to violations of such
20 ordinances.

21 SECTION 7. 23.51 (1) of the statutes is renumbered 23.51 (lm).

22 SECTION 8. 23.51 (1d) of the statutes is created to read:

23 23.51 (1d) "Captive" has the meaning given in s. 22.01 (2).

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

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1 **23.51 (5)** “Natural resources restitution payment” means the payment imposed
2 under s. 22.46 (2) or 29.989.

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

4 **23.51 (9m)** “Wild animal” has the meaning given in s. 22.01 (37).

5 **SECTION 11.** 23.65 (1) of the statutes, as affected by 1999 Wisconsin Act 9, is
6 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. 26, 27, 28, 29, 30, 31 or 350, or any administrative
10 rule promulgated pursuant thereto, ~~or~~ a violation specified under s. 285.86, or a
11 violation of ch. 951. if the animal involved is a captive wild animal. has been
12 committed the district attorney may proceed by 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, as affected by 1999 Wisconsin Act 9,
18 is amended to read:

19 **25.29 (1) (a)** Except as provided in ss. 25.293 and 25.295, all moneys accruing
20 to the state for or in behalf of the department under chs. 22, 26, 27, 28, 29 and 350,
21 subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325 to 23.42, 23.50 to 23.99, 30.50
22 to 30.55, 70.58, 71.10 (5) and 71.30 (10), including grants received from the federal
23 government or any of its agencies except as otherwise provided by law.

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

BILL

1 25.29 (4m) Notwithstanding sub. (3), no moneys that accrue to the state for or
2 in behalf of the department under ch. 22 or 29 may be expended or paid for the
3 enforcement of the treaty-based, off-reservation rights to fish held by members of
4 federally recognized American Indian tribes or bands domiciled in Wisconsin.

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

6 29.011 (3) This section does not apply to wild animals that are subject to
7 regulation under ch. 22.

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

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

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

18 29.024 (2g) (a) 2. Any permit issued under s. ~~29.38, 29.521, 29.525, 29.53 or~~
19 ~~29.578 29.733. 2 29.735 or 29.736.~~

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

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

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

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

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

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

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1 29.042 (1) ~~Beginning~~ on January 1, 1998, the department may not enter into
2 any agreement to make payments to persons holding approvals issued under s.
3 29.501, 29.503, 29.506, 29.509, 29.512, 29.514, 29.519, 29.523, 29.526, 29.529,
4 29.531, 29.533, 29.537, 29.607, 29.611, or 29.614, ~~29.865, 29.867, 29.869, 29.871 or~~
5 ~~29.877~~ in exchange for the retirement of the approval or for the temporary or
6 permanent cessation of any activity authorized under the approval.

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

8 29.047 (2) (b) The possession, transportation, delivery or receipt of farm-raised
9 deer ~~or~~, farm-raised fish or wild animals that are subject to regulation under ch. 22.

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

11 29.191 (2) (a) 3. Any person hunting pheasant under s. 29.195 ~~or on premises~~
12 ~~licensed under s. 29.865~~ is exempt from the requirements under subd. 1.

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

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

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

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

BILL

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

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

4 29.334 (1) A person who hunts -or traps any game animal, game bird or
5 fur-bearing animal shall kill ~~the animal~~ & when it is taken and make it part of the
6 daily bag or shall release ~~the animal~~ it unless ~~authorized under s. 29.857, 29.863,~~
7 ~~28.867, 29.869, 29.871 or 29.877. He person has the authority to possess it under ch.~~
8 22.

9 **SECTION 30.** 29.347 (2) of the statutes, as affected by 1999 Wisconsin Act 9, is
10 amended to read:

11 29.347 (2) **DEER TAGS.** Except as provided under sub. (5) and s. 29.324 (3), any
12 person who kills a deer shall immediately attach to the ear or antler of the deer a
13 current validated deer carcass tag which is authorized for use on the type of deer
14 killed. Except as provided under sub. (2m) ~~or s. 29.871 (7), (8) or (14)~~ or s. 29.89 (6),
15 no person may possess, control, store or transport a deer carcass unless it is tagged
16 as required under this subsection. The carcass tag may not be removed before
17 registration. The removal of a carcass tag from a deer before registration renders the
18 deer untagged.

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

20 29.347 (6) ~~FARM RAISED DEER~~ **DEER.** This section does not apply to farm-raised
21 deer or deer that are subject to regulation under ch. 22.

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

24 29.351 (1) (c) Possess the raw skin of any muskrat, mink, otter, fisher or pine
25 marten at any time unless the person is the holder of a valid scientific collector

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1 permit, fur dealer license, trapping license or resident conservation patron license.
2 No license is required for a person ~~breeding, raising and producing domestic~~
3 ~~fur-bearing animals in captivity, as defined in s. 29.873,~~ or for a person authorized
4 to take muskrats on a cranberry marsh under a permit issued to the person by the
5 department.

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

7 29.351 (2) Subsection (1) does not apply to the skins of fur-bearing animals
8 that are subject to regulation under ch. 22.

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

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

17 SECTION 35. 29.354 (2) of the statutes is renumbered 29.354 (2) (a) and
18 amended to read:

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

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

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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 (9m) 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

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1 the extent permitted under this section, restrictions on the possession and
2 transportation of ~~wild animals and~~ carcasses of wild animals established under ch.
3 22 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.

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, as affected by 1999
15 Wisconsin Act 9, are repealed.

16 **SECTION 48.** 29.563 (9) (c) of the statutes, as created by 1999 Wisconsin Act 9,
17 is repealed.

18 **SECTION 49.** 29.614 (3) of the statutes is amended to read:

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

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1 specimens may be exchanged for other specimens for scientific purposes. A scientific
2 collector permit may authorize the use of net guns and tranquilizer guns for activities
3 related to the purposes for which the permit is issued. Any person who is convicted
4 of violating this chapter shall' forfeit the person's permit and the permit is thereby
5 revoked, in addition to all other penalties. Any person so convicted is not eligible for
6 a permit under this section for one year following the conviction.

7 **SECTION 50.** 29.741 (title) of the statutes is repealed and recreated to read:

8 29.741 (title) **Food in the wild for game birds.**

9 **SECTION 51.** 29.741 (1) of the statutes is repealed.

10 **SECTION 52.** 29.741 (2) of the statutes is renumbered 29.741.

11 **SECTION 53.** 29.745 of the statutes is repealed.

12 **SECTION 54.** 29.853 (title) of the statutes is repealed.

13 **SECTION 55.** 29.853 (1) of the statutes is repealed.

14 **SECTION 56.** 29.853 (2) of the statutes is repealed.

15 **SECTION 57.** 29.853 (3) of the statutes is repealed.

16 **SECTION 58.** 29.853 (4m) of the statutes is repealed.

17 **SECTION 59.** 29.853 (5) (title) of the statutes is repealed.

18 **SECTION 60.** 29.853 (5) of the statutes is renumbered 29.334 (2) and amended
19 to read:

20 29.334 (2) A person who violates ~~this section~~ sub. (1) shall forfeit not less than
21 \$100 nor more than \$1,000.

22 **SECTION 61.** 29.855 (title) of the statutes is repealed.

23 **SECTION 62.** 29.855 (1) of the statutes is repealed.

24 **SECTION 63.** 29.855 (2) of the statutes is repealed.

25 **SECTION 64.** 29.855 (3) of the statutes is repealed.

BILL

1 **SECTION 65.** 29.855 (4) (title) of the statutes is repealed.

2 **SECTION 66.** 29.855 (4) of the statutes is renumbered 22.04 (2) (e) and amended
3 to read:

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

13 **SECTION 67.** 29.855 (5) of the statutes is repealed.

14 **SECTION 68.** 29.855 (6) of the statutes is repealed.

15 **SECTION 69.** 29.855 (7) of the statutes is repealed.

16 **SECTION 70.** 29.857 of the statutes is repealed.

17 **SECTION 71.** 29.861 of the statutes is repealed.

18 **SECTION 72.** 29.863 of the statutes is repealed.

19 **SECTION 73.** 29.865 of the statutes is repealed.

20 **SECTION 74.** 29.867 of the statutes is repealed.

21 **SECTION 75.** 29.869 of the statutes is repealed.

22 **SECTION 76.** **29.871** of the statutes is repealed.

23 **SECTION 77.** 29.873 of the statutes is repealed.

24 **SECTION 78.** 29.875 **(1)** of the statutes is amended to read:

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

6 **SECTION 79.** 29.877 of the statutes is repealed.

7 **SECTION 80.** 29.879 of the statutes is repealed.

8 **SECTION 81.** 29.881 of the statutes is repealed.

9 **SECTION 82.** 29.885 (1) (f) of the statutes is amended to read:

10 29.885 (1) (f) Notwithstanding s. ~~29.01(14)~~ 29.001 (90), “wild animal” means
11 any undomesticated mammal or bird, but does not include farm-raised deer ~~or,~~
12 farm-raised fish ~~or wild animals that are subject to regulation under ch. 22.~~

13 **SECTION 83.** 29.889 (1) (intro.) of the statutes is amended to read:

14 29.889 (1) **DEFINITION.** (intro.) In this section, “wildlife damage” means damage
15 caused by any of the following ~~noncaptive~~ wild animals that are not subject to
16 regulation under ch. 22:

17 **SECTION 84.** 29.921 (7) of the statutes is amended to read:

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

23 **SECTION 85.** 29.927 (8) of the statutes is amended to read:

24 29.927 (8) Any dog found running deer, except farm-raised deer or deer subject
25 to regulation under ch. 22, at any time, or used in violation of this chapter.

BILL

1 **SECTION 86. 29.931 (2) (a)** of the statutes is amended to read:

2 **29.931 (2) (a)** The department and its wardens shall seize and hold, subject to
3 the order of the court for the county in which the alleged offense was committed, any
4 vehicle, boat or object declared by this chapter to be a public nuisance, or which they
5 have probable cause to believe is being used in violation of this chapter or s. 167.31,
6 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, is being used in the commission
7 of a crime involving an animal normally found in the wild in violation of s. 951.09 or
8 is being used in the commission of a crime relating to a submerged cultural resource
9 in violation of s. 44.47. If it is proven that the vehicle, boat or object is a public
10 nuisance or that within 6 months previous to the seizure the vehicle, boat or object
11 was used in violation of this chapter or s. 167.31, 287.81, 940.24, 941.20, 948.60,
12 948.605 or 948.61, was used in the commission of a crime involving an animal
13 normally found in the wild in violation of s. 951.09 or was used in the commission of
14 a crime relating to a submerged cultural resource in violation of s. 44.47, it shall be
15 confiscated if the court directs in its order for judgment.

16 **SECTION 87. 29.969** of the statutes is amended to read:

17 **29.969 Larceny of game.** A person who, without permission of the owner,
18 disturbs or appropriates any wild animal or its carcass that has been lawfully
19 reduced to possession by another shall forfeit not less than \$1,000 nor more than
20 \$2,000. This section does not apply to farm-raised deer ~~or~~, farm-raised fish gr wild
21 animals that are subject regulation under ch. 22.

22 **SECTION 88. 49.857 (1) (d) 2.** of the statutes is amended to read:

23 49.857 **(1) (d) 2.** An approval specified in s. ~~29.09 (11m)~~ 22.34 or 29.024 (2g).

24 **SECTION 89. 59.25 (3) (f) 2.** of the statutes, as affected by 1999 Wisconsin Act
25 9, is amended to read:

BILL

SECTION 89

1 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be
2 deposited in the state treasury, the amounts required by s. 757.05 for the penalty
3 assessment surcharge, the amounts required by s. 165.755 for the crime laboratories
4 and drug law enforcement assessment, the amounts required by s. **167.31 (5)** for the
5 weapons assessment, the amounts required by s. 973.045 for the crime victim and
6 witness assistance surcharge, the amounts required by s. 938.34 (8d) for the
7 delinquency victim and witness assistance surcharge, the amounts required by s.
8 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by
9 s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts
10 required by s. 100.261 for the consumer information assessment, the amounts
11 authorized by s. 971.37 (lm) (c) 1. or required by s. 973.055 (1) for the domestic abuse
12 assessment, the amounts required by s. 253.06 (4) (c) for the enforcement assessment
13 under the supplemental food program for women, infants and children, the amounts
14 required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing
15 improvement assessment, the amounts required by s. 346.655 (2) (a) and (b) for the
16 driver improvement surcharge, the amounts required by s. 102.85 (4) for the
17 uninsured employer assessment, the amounts required by s. 299.93 for the
18 environmental assessment, the amounts required by s. 29.983 for the wild animal
19 protection assessment, the amounts required by ~~s. ss. 22.46 (1) and~~ 29.987 for the
20 natural resources assessment surcharge, the amounts required by s. 29.985 for the
21 fishing shelter removal assessment, the amounts required by s. 350.115 for the
22 snowmobile registration restitution payment and the amounts required by ~~s. ss.~~
23 ~~22.46 (2) and~~ 29.989 for natural resources restitution payments, transmit to the state
24 treasurer a statement of all moneys required by law to be paid on the actions entered
25 during the preceding month on or before the first day of the next succeeding month,

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1 certified by the county treasurer's personal signature affixed or attached thereto,
2 and at the same time pay to the state treasurer the amount thereof.

3 SECTION 90. 59.40 (2) (m) of the statutes, as affected by 1999 Wisconsin Act 9,
4 is amended to read:

5 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's
6 percentage of the fees required to be paid on each civil action, criminal action and
7 special proceeding filed during the preceding month and pay monthly to the
8 treasurer for the use of the state the percentage of court imposed fines and forfeitures
9 required by law to be deposited in the state treasury, the amounts required by s.
10 757.05 for the penalty assessment surcharge, the amounts required by s. 165.755 for
11 the crime laboratories and drug law enforcement assessment, the amounts required
12 by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for
13 the crime victim and witness assistance surcharge, the amounts required by s.
14 938.34 (8d) for the delinquency victim and witness assistance surcharge, the
15 amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the
16 amounts required by s. 961.41 (5) for the drug abuse program improvement
17 surcharge, the amounts required by s. 100.261 for the consumer information
18 assessment, the amounts authorized by s. 971.37 (lm) (c) 1. or required by s. 973.055
19 for the domestic abuse assessment surcharge, the amounts required by s. 253.06 (4)
20 (c) for the enforcement assessment under the supplemental food program for women,
21 infants and children, the amounts required by ss. 346.177, 346.495 and 346.65 (4r)
22 for the railroad crossing improvement assessment, the amounts required by s.
23 346.655 for the driver improvement surcharge, the amounts required by s. 102.85 (4)
24 for the uninsured employer assessment, the amounts required by s. 299.93 for the
25 environmental assessment, the amounts required under s. 29.983 for the wild

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1 animal protection assessment, the amounts required under ~~s. ss. 22.46 (1) (d) and~~
2 29.987 (1) (d) for the natural resources assessment surcharge, the amounts required
3 by s. 29.985 for the fishing shelter removal assessment, the amounts required by s.
4 350.115 for the snowmobile registration restitution payment and the amounts
5 required under ~~s. ss. 22.46 (2) (d) and~~ 29.989 (1) (d) for the natural resources
6 restitution payments. The payments shall be made by the 15th day of the month
7 following receipt thereof.

8 **SECTION 91.** 73.0301 (1) (d) 1. of the statutes is amended to read:

9 73.0301 (1) (d) 1. An approval specified in s. ~~29.09 (11r)~~ 22.35 or 29.024 (2r).

10 **SECTION 92.** 167.31 (4) (b) of the statutes is amended to read:

11 **167.31 (4)** (b) Subsections (2) (a), (b) and (c) and (3) (a) and (b) do not apply to
12 the holder of ~~scientific research license under s. 29.25 or a scientific collector permit~~
13 under s. 29.614 who is using a net gun or tranquilizer gun in an activity related to
14 the purpose for which the license or permit was issued.

15 **SECTION 93.** 173.01 (1) of the statutes, as created by 1997 Wisconsin Act 192,
16 is renumbered 173.01 (**1m**).

17 **SECTION 94.** 173.01 (lb) of the statutes is created to read:

18 173.01 (lb) "Conservation warden" means a warden appointed under s. 23.10.

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

20 173.01 (**1d**) "Custodial entity" means a political subdivision, a person
21 contracting under s. 173.15 (1) or the department of natural resources.

22 **SECTION 96.** 173.01 (lr) of the statutes is created to read:

23 173.01 (lr) "Governmental unit" means a political subdivision or the
24 department of natural resources.

25 **SECTION 97.** 173.01 (2) of the statutes is amended to read:

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1 173.01 (2) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c)
2 and does not include a conservation warden.

3 **SECTION 98.** 173.07 (4m) of the statutes, as created by 1997 Wisconsin Act 192,
4 is amended to read:

5 173.07 (4m) **REQUEST PROSECUTIONS.** A humane officer may request law
6 enforcement officers, conservation wardens and district attorneys to enforce and
7 prosecute violations of state law and may cooperate in those prosecutions.

8 **SECTION 99.** 173.10 of the statutes, as created by 1997 Wisconsin Act 192, is
9 amended to read:

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

BILL

1 **SECTION 100.** 173.11 (5) of the statutes is created to read:

2 **173.11 (5) NONAPPLICABILITY.** This section does not apply to wild animals that
3 are subject to regulation under ch. 22.

4 **SECTION 101.** 173.12 (1) of the statutes, as created by 1997 Wisconsin Act 192,
5 is renumbered 173.12 (1) (a) and amended to read:

6 173.12 (1) (a) Any veterinarian who has reason to believe that an animal has
7 been in a fight in violation of s. 951.08 shall report the matter to the local humane
8 officer or to a local law enforcement agency, except as provided in par. (b).

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

12 **SECTION 102.** 173.12 (1) (b) of the statutes is created to read:

13 173.12 (1) (b) If the animal is a wild animal subject to regulation under ch. 22,
14 the veterinarian shall report the matter to the department of natural resources.

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

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

24 **SECTION 104.** 173.12 (3) (a) of the statutes, as created by 1997 Wisconsin Act
25 192, is amended to read:

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1 173.12 (3) (a) If the owner is convicted under s. 951.08 or is subject to the
2 restrictions under s. 951.08 (2m), the animal shall be delivered to the local humane
3 officer or county or municipal pound ~~if the animal is not subject to regulation under~~
4 ~~ch. 22~~. If there is no local humane officer or pound, the animal may be delivered to
5 a local humane society or to another person designated by the court.

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

9 **SECTION 105.** 173.12 (3) (ag) of the statutes is created to read:

10 173.12 (3) (ag) If the owner is convicted under s. 951.08 or is subject to the
11 restrictions under s. 951.08 (2m), the animal shall be delivered to the department of
12 natural resources or to another person designated by the court if the animal is a wild
13 animal subject to regulation under ch. 22.

14 **SECTION 106.** 173.13 (1) (d) of the statutes is created to read:

15 173.13 (1) (d) This subsection does not apply to wild animals that are subject
16 to regulation under ch. 22.

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

19 173.13 (2) (a) (intro.) A humane officer ~~or~~, law enforcement officer ~~or~~
20 conservation warden or a person contracting under s. 173.15 (1) may accept an
21 animal delivered by a veterinarian, or his or her employe, if the animal has not been
22 picked up by its owner and all of the following apply:

23 **SECTION 108.** 173.13 (2) (a) 1. of the statutes, as created by 1997 Wisconsin Act
24 **192**, is amended to read:

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

5 **SECTION 109.** 173.13 (2) (a) 3. of the statutes, as created by 1997 Wisconsin Act
6 192, is amended to read:

7 173.13 (2) (a) 3. The veterinarian certifies in writing to the humane officer ~~or,~~
8 law enforcement officer or conservation warden that subs. 1. and 2 apply.

9 **SECTION 110.** 173.13 (2) (a) 4. of the statutes is created to read:

10 173.13 (2) (a) 4. The humane officer, law enforcement officer or conservation
11 warden or the person contracting under s. 173.15 (1) is authorized under s. 22.42 or
12 this section to accept the animal.

13 **SECTION 111.** 173.13 (2) (b) of the statutes, as created by 1997 Wisconsin Act
14 192, is amended to read:

15 173.13 (2) (b) If an animal is accepted under par. (a), the veterinarian shall
16 provide the person accepting the animal with any requested records concerning the
17 animal's ownership, or health or the licensure of the animal or of the owner under
18 ch. 22.

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

21 173.13 (3) (a) If a humane officer ~~or,~~ law enforcement officer pr conservation
22 warden takes custody of an animal with the knowledge of the owner, the humane
23 officer ~~or,~~ law enforcement ~~officer~~ pr conservation warden shall explain the
24 procedure by which the *owner* can recover the animal, including the procedure under
25 s. 173.22, and the procedure to be followed if the animal is not returned to the owner.

BILL

1 **SECTION 113.** 173.13 (3) (b) of the statutes, as created by 1997 Wisconsin Act
2 192, is amended to read:

3 173.13 (3) (b) If a humane officer ~~or~~, law enforcement officer or conservation
4 warden takes custody of an animal without the knowledge of the owner, the humane
5 officer ~~or~~, law enforcement officer or conservation warden shall promptly notify the
6 owner in writing if he or she can be identified and located with reasonable effort. The
7 notice shall explain the procedure by which the owner can recover the animal,
8 including the procedure under s. 173.22, and the procedure to be followed if the
9 animal is not returned to the owner. The notice shall also inform the owner that the
10 owner must notify any person with a lien on the animal that the animal has been
11 taken into custody

12 **SECTION 114.** 173.13 (3) (c) of the statutes, as created by 1997 Wisconsin Act
13 192, is amended to read:

14 173.13 (3) (c) If the owner informs the humane officer ~~or~~, law enforcement
15 officer or conservation warden in writing that he or she will not claim the animal, it
16 may be treated as an unclaimed animal under s. 173.23 (1m).

17 **SECTION 115.** 173.15 (1) of the statutes, as created by 1997 Wisconsin Act 192,
18 is amended to read:

19 173.15 (1) **PROVIDING SERVICES.** A political subdivision may provide for the care,
20 treatment or disposal of animals taken into custody ~~by a humane officer or law~~
21 ~~enforcement officer~~ under s. 173.13. The department of natural resources may
22 provide for the care, treatment or disposal of wild animals subject to regulation
23 under ch. 22 that are taken into custody under s. 22.42. A political subdivision or the
24 department of natural resources may provide these services directly or by
25 contracting with any other person. A political subdivision or the department of

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1 natural resources may establish standard fees for the care, custody and treatment
2 of animals in its custody. The political subdivision ~~to the~~ department of natural
3 resources may establish different fees for animals released to their owners and
4 animals released to persons other than their owners. If the political subdivision or
5 the department of natural resources does not establish standard fees, it may charge
6 no more than the actual costs of care, custody or treatment to any person required
7 to pay for the care, custody or treatment of an animal.

8 **SECTION 116.** 173.15 (2) (intro.) of the statutes, as created by 1997 Wisconsin
9 Act 192, is amended to read:

10 173.15 (2) **CONTRACT FOR SERVICES.** (intro.) Every person entering into a
11 contract with a political subdivision gr the department of natural resources under
12 sub. (1) shall agree to do all of the following:

13 **SECTION 117.** 173.17 (intro.) of the statutes, as created by 1997 Wisconsin Act
14 192, is amended to read:

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

21 **SECTION 118.** 173.19 of the statutes, as created by 1997 Wisconsin Act 192, is
22 amended to read:

23 **173.19 Animals considered unclaimed.** A ~~political subdivision or person~~
24 ~~contracting under s. 173.15 (1)~~ custodial entity may treat any animal taken into
25 custody under s. 22.42 (1) (a), (c), (h) or (i) or 173.13 (1) (a) 1., 3., 4. or 9. as an

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1 unclaimed animal subject to s. 173.23 (1m) if, within 7 days after custody is taken
2 of the animal, it is not claimed by and returned to its owner under s. 173.23 (1), except
3 that an animal taken into custody under s. ~~22.42(1)(c) or~~ 173.13 (1) (a) 3. or 4. may
4 not be treated as unclaimed if its owner files a petition under s. 173.22 (1) within 7
5 days after custody is taken.

6 SECTION 119. 173.21 (1) (intro.) of the statutes, as created by 1997 Wisconsin
7 Act 192, is amended to read:

8 173.21 (1) ~~GROUNDS.~~ (intro.) A political subdivision ~~gr the department of~~
9 ~~patural resources~~ may withhold, or direct a person contracting ~~with the political~~
10 ~~subdivision or the department of natural resources~~ under s. 173.15 (1) to withhold,
11 an animal in custody from an owner who makes an otherwise adequate claim for the
12 animal under s. 173.23 (1) on any of the following grounds:

13 SECTION 120. 173.21 (1) (a) of the statutes, as created by 1997 Wisconsin Act
14 192, is amended to read:

15 173.21 (1) (a) There are reasonable grounds to believe that the owner has
16 mistreated the animal in violation of ch. 951 ~~or in violation of ch. 22 if the animal is~~
17 ~~a wild animal subject to regulation under ch. 22.~~

18 SECTION 121. 173.21 (4) of the statutes, as created by 1997 Wisconsin Act 192,
19 is amended to read:

20 173.21 (4) RETURN. A ~~political subdivision or person contracting under s.~~
21 ~~173.15 (1) custodial entity~~ having custody of an animal withheld under sub. (1) shall
22 release the animal to the owner at the direction of the humane officer ~~or~~, law
23 enforcement officer ~~that~~ ~~gr~~ ~~conservation warden who~~ took custody of the animal if
24 the requirements of s. 173.23 (1) (a) to (c) are satisfied.

BILL**SECTION 122**

1 **SECTION 122.** 173.22 (1) of the statutes, as created by 1997 Wisconsin Act 192,
2 is amended to read:

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

8 **SECTION 123.** 173.22 (2) of the statutes, as created by 1997 Wisconsin Act 192,
9 is amended to read:

10 173.22 (2) **NOTICE AND HEARING.** The court shall provide notice of a petition
11 under sub. (1) to the humane officer ~~or~~, law enforcement officer or conservation
12 warden who took the animal into custody or to the governmental
13 unit that withheld the animal and shall hold a hearing on the issue of whether the
14 animal was improperly taken into custody or is wrongfully withheld.

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

17 173.22 (3) (a) (intro.) If the animal was taken into custody under s. 22.42 (1)
18 (g) or 173.13 (1) (a) 8. or is withheld under s. 173.21 (1), the court shall order the
19 animal returned to the owner unless it determines that one of the following
20 conditions is satisfied:

21 **SECTION 125.** 173.22 (3) (a) 1. of the statutes, as created by 1997 Wisconsin Act
22 192, is amended to read:

23 173.22 (3) (a) 1. There are reasonable grounds to believe that the owner has
24 mistreated the animal in violation of ch. 22 or 951.

25 **SECTION 126.** 173.22 (3) (cm) of the statutes is created to read:

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1 173.22 (3) (cm) If the animal was taken into custody under s. 22.42 (1) (c), the
2 court shall order the animal returned to its owner if the court determines that the
3 the owner of the animal has not violated ch. 22 or any ordinance enacted under s.
4 22.43.

5 **SECTION 127.** 173.22 (3) (d) of the statutes, as created by 1997 Wisconsin Act
6 192, is amended to read:

7 173.22 (3) (d) If the animal was taken into custody under s. 22.42 (1) (d) or
8 173.13 (1) (a) 5., the court shall order the animal returned to its owner if the court
9 determines that the animal was not subject to a quarantine order or was confined as
10 required by a quarantine order.

11 **SECTION 128.** 173.22 (3) (e) of the statutes, as created by 1997 Wisconsin Act
12 192, is amended to read:

13 173.22 (3) (e) If the 'animal was taken into custody under s. 22.42 (1) (e) or
14 173.13 (1) (a) 6., the court shall order the animal returned to its owner if the court
15 determines that the animal did not cause damage to persons or property.

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

17 173.22 (3) (f) If the animal was taken into custody under s. 22.42 (1) (i), the
18 court shall order the animal returned to its owner if the court determines that the
19 animal has not been exposed to, or has not been infected with, any of the following:

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

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

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

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

2 173.22 (3) (g) If the animal was taken into custody under s. 22.42 (1) (k), the
3 court shall order the animal returned to its owner if the court determines that the
4 animal has not been held or housed in violation of s. 22.39.

5 **SECTION 131.** 173.22 (3) (h) of the statutes is created to read:

6 173.22 (3) (h) If the animal was taken into custody under s. 22.42 (1) (L), the
7 court shall order the animal returned to its owner if the court determines that the
8 owner is not in violation of s. 22.38.

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

11 173.23 (1) **CLAIM AND RETURN.** (intro.) Except as provided in sub. (4) or s. 173.21
12 (l), a ~~political subdivision or person contracting under s. 173.15 (1) custodial entity~~
13 shall return an animal described in s. ~~22.42 (1) (a), (c), (e), (a), (h), (j) or (k)~~ or 173.13
14 (1) (a) l., 3., 4., 6., 8. or 9. to its owner upon the happening of all of the following:

15 **SECTION 133.** 173.23 (1) (b) of the statutes, as created by 1997 Wisconsin Act
16 192, is amended to read:

17 173.23 (1) (b) If licensure of the animal is required by statute or ordinance, the
18 animal is licensed or assurance of licensure by prepayment is given.

19 **SECTION 134.** 173.23 (1) (bn) of the statutes is created to read:

20 173.23 (1) (bn) If licensure of the owner of a wild animal that is subject to
21 regulation under ch. 22 is required under ch. 22, the owner is licensed or assurance
22 of licensure by prepayment is given.

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

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

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

7 173.23 (1m) (a) 2. If licensure of the animal is required by statute or ordinance,
8 the animal is licensed or assurance of licensure is given by evidence of prepayment.

9 **SECTION 137.** 173.23 (1m) (a) 2m. of the statutes, as created by 1997 Wisconsin
10 Act 192, is created to read:

11 173.23 (1m) (a) 2m. If licensure of the owner of a wild animal that is subject
12 to regulation under ch. 22 is required under ch. 22, the owner is licensed or assurance
13 of licensure by prepayment is given.

14 **SECTION 138.** 173.23 (1m) (a) 4. of the statutes, as created by 1997 Wisconsin
15 Act 192, is amended to read:

16 173.23 (1m) (a) 4. Any charges imposed by the ~~political subdivision or person~~
17 ~~contracting under s. 173.15 (1)~~ custodial entity for custody, care, vaccination and
18 treatment are paid or waived.

19 **SECTION 139.** 173.23 (2) of the statutes, as created by 1997 Wisconsin Act 192,
20 is amended to read:

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

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

3 173.23 (3) (a) (intro.) A political subdivision ~~or the department of natural~~
4 resources may petition the circuit court for an order doing any of the following with
5 respect to an animal taken into custody ~~by a law enforcement officer or a humane~~
6 ~~officer or on behalf of the political subdivision~~ **173.13** or the department of
7 natural resources under s. 22.42 or with respect to an animal withheld under s.
8 173.21 (1):

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

11 173.23 (3) (c) The political subdivision ~~or the department of natural resources~~
12 shall serve a copy of the petition, in the manner provided in s. 801.11, upon the owner
13 of the animal, if known.

14 **SECTION 142.** 173.23 (3) (e) of the statutes, as created by 1997 Wisconsin Act
15 192, is amended to read:

16 173.23 (3) (e) The court shall issue its order after hearing and may grant,
17 modify and grant or deny the petitioned-for relief, after considering the interests of
18 the animal, the owner of the animal, the political subdivision ~~or the department of~~
19 natural resources and the public.

20 **SECTION 143.** 173.23 (4) of the statutes, as created by 1997 Wisconsin Act 192,
21 is amended to read:

22 173.23 (4) ~~INJURED OR DANGEROUS ANIMALS.~~ A ~~political subdivision or person~~
23 ~~contracting under s. 173.15 (1)~~ custodial entity who has custody of an animal may
24 have the animal euthanized if there are reasonable grounds to believe that any of the
25 following ~~apply~~ applies:

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1 **SECTION 144.** 173.23 (5) (a) of the statutes, as created by 1997 Wisconsin Act
2 192, is amended to read:

3 173.23 (5) (a) ~~A political subdivision or person contracting under E. 173.15 (1)~~
4 custodial entity that has custody of an animal that was not confined as required by
5 a quarantine order issued under any statute, rule or ordinance relating to the control
6 of any animal disease shall confine the animal for the duration of the quarantine or
7 shall euthanize the animal with the written permission of the owner or, if the animal
8 is determined to be diseased, at the direction of the person issuing the quarantine
9 order.

10 **SECTION 145.** 173.23 (5) (b) of the statutes, as created by 1997 Wisconsin Act
11 192, is amended to read:

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

19 **SECTION 146.** 173.25 of the statutes, as created by 1997 Wisconsin Act 192, is
20 amended to read:

21 **173.25 Immunity for euthanizing animals.** ~~A political subdivision, a~~
22 ~~person contracting under s. 173.15 (1)~~ custodial entity, a humane officer ~~or~~, a law
23 enforcement officer or a conservation warden who has reasonable grounds to believe
24 that s. 173.23 (1m) (c), (4) or (5) or a court order issued under s. 173.23 (3) ~~authorize~~

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1 authorizes an animal to be euthanized is not liable for damages for the loss of the
2 animal resulting from euthanizing the animal.

3 **SECTION 147.** 814.60 (2) (e) of the statutes is amended to read:

4 814.60 (2) (e) Natural resources restitution payment imposed by s. ~~22.46 (2) (d)~~
5 or 29.989.

6 **SECTION 148.** 895.57 (3) of the statutes is amended to read:

7 895.57 (3) Subsection (2) does not apply to any humane offker, local health
8 officer, peace officer, employe of the department of natural resources while on any
9 land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 22.15, 22.16, 22.17, 22.18 or
10 22.19 or designated as a wildlife refuge under s. 29.621 (1) or employe of the
11 department of agriculture, trade and consumer protection if the officer's or employe's
12 acts are in good faith and in an apparently authorized and reasonable fulfillment of
13 his or her duties.

14 **SECTION 149.** 943.75 (3) of-the statutes is amended to read:

15 943.75 (3) Subsection (2) does not apply to any humane offker, local health
16 offker, peace officer, employe of the department of natural resources while on any
17 land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 22.15, 22.16, 22.17, 22.18 or
18 22.19 or designated as a wildlife refuge under s. 29.621 (1) or employe of the
19 department of agriculture, trade and consumer protection if the officer's or employe's
20 acts are in good faith and in an apparently authorized and reasonable fulfillment of
21 his or her duties. This subsection does not limit any other person from claiming the
22 defense of privilege under s. 939.45 (3).

23 **SECTION 150.** 951.01 (lm) of the statutes is created to read:

24 951.01 (**lm**) "Conservation warden" means a warden appointed under s. 23.10.

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1 **SECTION 151.** 951.015 of the statutes is renumbered 951.015 (1) and amended
2 to read:

3 951.015 (1) This chapter may not be interpreted as controverting any law
4 regulating wild animals that are subject to regulation under ch. 22, the taking of a
5 ~~wild animal~~ wild animals, as defined in s. 29.001 (90), ~~the trapping of animals, the~~
6 ~~use of live animals in dog trials or in the training of hunting dogs~~ or the slaughter
7 of animals by persons acting under state or federal law.

8 **SECTION 152.** 951.015 (2) of the statutes is created to read:

9 951.015 (2) For purposes of enforcing this chapter as to wild animals subject
10 to regulation under ch. 22, a conservation warden has the same powers and duties
11 that a law enforcement officer has under this chapter.

12 **SECTION 153.** 951.09 of the statutes is renumbered 951.09 (1) and amended to
13 read:

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

22 **SECTION 154.** 951.09 (2) of the statutes is created to read:

23 951.09 (2) (a) Whoever is concerned in the commission of a violation of this
24 section is a principal and may be charged with and convicted of the violation although

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1 he or she did not directly commit it and although the person who directly committed
2 it has not been convicted of the violation.

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

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

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

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

10 **SECTION 155. 951.09 (3) of the statutes is created to read:**

11 951.09 (3) This section does not apply to any of the following animals:

12 (a) A whit-tailed deer that is shot, killed or wounded as authorized under s.
13 22.09 (2) or 22.16 (5).

14 (b) A captive wild bird that is shot, killed or wounded as authorized under s.
15 22.09 (2).

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

17 (d) Animals that are treated in accordance with normally acceptable
18 husbandry practices.

19 **SECTION 156. 951.18 (4) (a) 2. of the statutes, as affected by 1997 Wisconsin Act
20 192, is amended to read:**

21 951.18 (4) (a) 2. A sentencing court shall require a criminal violator to pay
22 restitution to a person, including any local humane officer or society or county or
23 municipal pound or a law enforcement officer or conservation warden, for any
24 pecuniary loss suffered by the person as a result of the crime, including expenses in
25 keeping any animal that is involved in the crime. This requirement applies

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1 regardless of whether the criminal violator is placed on probation under s. 973.09.
2 If restitution is ordered, the court shall consider the financial resources and future
3 ability of the criminal violator to pay and shall determine the method of payment.
4 Upon the application of any interested party, the court shall schedule and hold an
5 evidentiary hearing to determine the value of any pecuniary loss under this
6 paragraph.

7 SECTION 157. 951.18 (4) (b) 1. of the statutes, as affected by 1997 Wisconsin Act
8 192, is amended to read:

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

22 SECTION 158. 973.05 (1) of the statutes, as affected by 1999 Wisconsin Act 9,
23 is amended to read:

24 973.05 (1) When a defendant is sentenced to pay a ~~fine~~, the court may grant
25 permission for the payment of the fine, of the penalty assessment imposed by s.

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1 757.07, the jail assessment imposed by s. 302.46 (1), the crime victim and witness
2 assistance surcharge under s. 973.045, the crime laboratories and drug law
3 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid
4 analysis surcharge under s. 973.046, any applicable drug abuse program
5 improvement surcharge imposed by s. 961.41 (5), any applicable consumer
6 information assessment imposed by s. 100.261, any applicable domestic abuse
7 assessment imposed by s. 971.37 (lm) (c) 1. or 973.055, any applicable driver
8 improvement surcharge imposed by s. 346.655, any applicable enforcement
9 assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed
10 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),
11 any applicable environmental assessment imposed by s. 299.93, any applicable wild
12 animal protection assessment imposed by s. 29.983, any applicable natural resources
13 assessment imposed by s. 22.46 (1) or 29.987 and any applicable natural resources
14 restitution payment imposed by s. 22.46 (2) or 29.989 to be made within a period not
15 to exceed 60 days. If no such permission is embodied in the sentence, the fine, the
16 penalty assessment, the jail assessment, the crime victim and witness assistance
17 surcharge, the crime laboratories and drug law enforcement assessment, any
18 applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse
19 program improvement surcharge, any applicable consumer information assessment,
20 any applicable domestic abuse assessment, any applicable driver improvement
21 surcharge, any applicable enforcement assessment, any applicable weapons
22 assessment, any applicable uninsured employer assessment, any applicable
23 environmental assessment; any applicable wild animal protection assessment, any
24 applicable natural resources assessment and any applicable natural resources
25 restitution payment shall be payable immediately.

1) **BILL**

1 **SECTION 159. Effective dates.** This act takes effect on January 1, 2001, except
2 as follows:

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

5 **(END)**



|

Insert 50-22

text: treat

d

d) ~~person~~ An individual who applies for a dog training course or a board training course shall be at least 12 years of age.

**S U B M I T T A L
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 12/21/1999

To: Representative Johnsrud

Relating to LRB drafting number: LRB-0538

Topic

Captive wildlife

Subject(s)

Nat. Res. - fish and game

1. **JACKET** the draft for introduction _____

in the **Senate** ____ or the **Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached Scott Lomanus 10/14 _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to, the attached draft, please feel free to call me.

Mary Gibson-Glass, Senior Legislative Attorney
Telephone: (608) 267-32 15

PROPOSED CHANGES TO CAPTIVE WILDLIFE LEGISLATION
TO PROTECT WILD PHEASANT POPULATIONS

Add the following restriction to Class B bird hunting preserves in s. 22.19(3)(c): Hen pheasants may not be shot from December 15 to March 31 within the boundary of any Class B bird hunting preserve located in a pheasant management zone under s. 29.191(2).

Add the following exceptions to the validation license that grandfathers all existing activities:

do not def ~~s. 22.29(4)(e). This section does not apply to rules promulgated by the Department to protect wild hen pheasants in a pheasant management zone under s. 29.191(2).~~

s. 22.29(4)(f). This section does not apply to the winter hen shooting prohibition for Class B bird hunting preserves under s. 22.19(3)(c).

may contact Tim Ananyk