

**2001 DRAFTING REQUEST**

**Bill**

Received: 02/28/2001

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: DuWayne Johnsrud (608) 266-3534

By/Representing: Scott Loomans

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Use of night vision equipment while hunting

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 03/02/2001	jdyer 03/09/2001		_____			
/1			jfrantze 03/09/2001	_____	lrb_docadmin 03/09/2001	lrb_docadmin 03/12/2001	

FE Sent For:

<END>

↳ Not Needed

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1/?	rkite	1/3/9 JLD	J. 3/9	RS 3/9			

FE Sent For:

<END>

**B I L L**  
**REQUEST FORM**

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

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

Use this form only for **BILL** drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft: Representative Johnsrud

Date: 23 Feb 01 Person submitting request (name, phone number): Scott Loomans, 266-3534  
and Joe Atkins 266-3534

Persons to contact for questions about this draft (names, phone numbers): Scott Loomans 266-3534  
or Joe Atkins 266-3534

**Describe the problem, including any helpful examples.**

**How do you want to solve the problem?**

*Redraft of bill incorporating LRB correction and amendments 1+2.*

Please attach a copy of any correspondence or other material that may help us.

If you know of any statute sections that might be affected, list them or provide a marked-up (not re-typed) copy. \_\_\_\_\_

You may attach a marked-up (not retyped) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67): \_\_\_\_\_

**Requests are confidential unless stated otherwise.**

- May we tell others that we are working on this for you?  Yes  No
- If yes: Anyone who asks?  Yes  No Any legislator?  Yes  No Only the following persons: \_\_\_\_\_

Do you consider this request urgent?  Yes  No If yes, please indicate why: \_\_\_\_\_

Should we give this request priority over any other pending request of this legislator, agency or body?   If yes, sign your name here: \_\_\_\_\_

Yes No

1999-2000 LEGISLATURE

2001 Bill

1999 ASSEMBLY BILL 661

Rm not rec 2668/1

LRB-1269/R

RNK: [unclear]

Jed

January 19, 2000 - Introduced by Representatives JOHNSRUD, PORTER, BOYLE, OLSEN, OWENS, KLUISMAN, HAHN and KREUSER, cosponsored by Senators BAUMGART, SCHULTZ, RUDE and BURKE, by request of Department of Natural Resources. Referred to Committee on Natural Resources.

LPS-check font in draft

Regen

1 AN ACT to renumber 29.314 (2); to amend 29.314 (title), 29.314 (2) (title), 29.314  
2 (3) (title), 29.314 (3) (a), 29.314 (4) (title), 29.314 (4) (a), 29.314 (5) (title), 29.314  
3 (5) (a), 29.314 (5) (b) 4. and 29.314 (6); and to create 29.314 (1) (bm), 29.314 (2)  
4 (a) (title), 29.314 (2) (b), 29.314 (3) (b) 4., 29.314 (4) (b) 4. and 29.314 (5) (b) 3m.

5 of the statutes; relating to: <sup>(prohibiting certain uses of</sup> using night vision equipment <sup>while hunting or</sup>  
6 ~~possessing a weapon.~~ <sup>to locate, or attempt to locate, wild animals</sup>

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, no person may use, or possess with intent to use, a light for the purpose of shining wild animals while the person is hunting or in possession of a firearm, bow and arrow, or crossbow. A person is shining an animal if the person is casting rays of light on an area for the purpose of illuminating, locating, or attempting to illuminate or locate wild animals. Current law also prohibits a person from using or possessing with intent to use a light for shining wild animals between 10 p.m. and 7 a.m. from September 15 to December 31, regardless of whether they are hunting with a weapon.

This bill prohibits a person from using night vision equipment <sup>heat or</sup> under the same conditions under which shining wild animals is prohibited. Under the bill, <sup>\*</sup>night <sup>\*</sup>vision equipment <sup>\*</sup> means a device, other than a light, that makes objects visible in the dark by using technology that converts ambient light into an electronic image. The bill provides that the prohibition against the use of night vision equipment does not

**ASSEMBLY BILL 661**

apply to a person authorized by the department of natural resources to remove a wild animal that is causing damage or that is causing a nuisance.

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

**SECTION 1.** 29.314 (title) of the statutes is amended to read:

**29.314 (title) Shining animals and using night vision equipment.**

**SECTION 2.** 29.314 (1) (bm) of the statutes is created to read:

29.314 (1) (bm) "Night vision equipment" means a device, other than a light,

that makes objects visible in the dark by using technology that converts ambient heat or light into an electronic image.

**SECTION 3.** 29.314 (2) (title) of the statutes is amended to read:

29.314 (2) (title) PRESUMPTION PRESUMPTIONS.

**SECTION 4.** 29.314 (2) of the statutes is renumbered 29.314 (2) (a).

**SECTION 5.** 29.314 (2) (a) (title) of the statutes is created to read:

29.314 (2) (a) (title) Shining.

**SECTION 6.** 29.314 (2) (b) of the statutes is created to read:

29.314 (2) (b) Using night vision equipment. A person possessing night vision equipment while in a field, forest, or other area that is frequented by wild animals is presumed to be using or possessing with intent to use the night vision equipment to locate, or attempt to locate, wild animals. A person may introduce evidence to rebut this presumption.

**SECTION 7.** 29.314 (3) (title) of the statutes is amended to read:

29.314 (3) (title) SHINING DEER OR BEAR OR USING NIGHT VISION EQUIPMENT WHILE HUNTING OR POSSESSING WEAPONS PROHIBITED.

**SECTION 8.** 29.314 (3) (a) of the statutes is amended to read:

or to a person who uses a stationary yard light to illuminate his or her residential property

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ASSEMBLY BILL 661

PWF

deer or bear

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29.314 (3) (a) *Prohibition*. No person may use or possess with intent to use a light for shining deer or bear or use or possess with intent to use night vision equipment to locate, or attempt to locate, ~~wild animals~~ while the person is hunting deer or bear or in possession of a firearm, bow and arrow or crossbow.

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SECTION 9. 29.314 (3) (b) 4. of the statutes is created to read:

29.314 (3) (b) 4. To a person who uses night vision equipment to assist the person in the removal of a deer or bear as authorized by the department under s. 29.885 (2).

PWF

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SECTION 10. 29.314 (4) (title) of the statutes is amended to read:

29.314 (4) (title) SHINING WILD ANIMALS OR USING NIGHT VISION EQUIPMENT WHILE HUNTING OR POSSESSING WEAPONS PROHIBITED.

SECTION 11. 29.314 (4) (a) of the statutes is amended to read:

29.314 (4) (a) *Prohibition*. No person may use or possess with intent to use a light for shining wild animals or use or possess with intent to use night vision equipment to locate, or attempt to locate, wild animals while the person is hunting or in possession of a firearm, bow and arrow or crossbow.

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SECTION 12. 29.314 (4) (b) 4. of the statutes is created to read:

29.314 (4) (b) 4. To a person who uses night vision equipment to assist the person in the removal of a wild animal as authorized by the department under s. 29.885 (2).

PWF

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SECTION 13. 29.314 (5) (title) of the statutes is amended to read:

29.314 (5) (title) SHINING WILD ANIMALS OR USING NIGHT VISION EQUIPMENT AFTER 10 P.M. DURING CERTAIN TIMES OF THE YEAR PROHIBITED.

SECTION 14. 29.314 (5) (a) of the statutes is amended to read:

ASSEMBLY BILL 661

SECTION 14

1 29.314 (5) (a) *Prohibition.* No person may use or possess with intent to use a  
 2 light for shining wild animals, or use or possess with intent to use night vision  
 3 equipment to locate, or attempt to locate, wild animals, between 10 p.m. and 7 a.m.  
 4 from September 15 to December 31.

5 SECTION 15. 29.314 (5) (b) 3m. of the statutes is created to read:

6 29.314 (5) (b) 3m. To a person who uses night vision equipment to assist the  
 7 person in the removal of a wild animal as authorized by the department under s.  
 29.885 (2).

SECTION 16. 29.314 (5) (b) 4. of the statutes is amended to read:

10 29.314 (5) (b) 4. If rules promulgated by the department specifically permit a  
 11 person to use or possess a light for shining wild animals or use or possess night vision  
 12 equipment to locate, or attempt to locate, wild animals during these times.

SECTION 17. 29.314 (6) of the statutes is amended to read:

14 29.314 (6) COUNTY ORDINANCE. A county may regulate or prohibit the use of or  
 15 possession with intent to use a light for shining wild animals or the use of or  
 16 possession with intent to use night vision equipment to locate, or attempt to locate,  
 17 wild animals. A county ordinance may not be less restrictive than the prohibition  
 18 under sub. (5) (a). The exceptions under sub. (5) (b) apply to a county ordinance  
 19 adopted under this subsection. A county may provide for a forfeiture of not more than  
 20 \$1,000 for violation of a county ordinance adopted under this subsection.

(END)

Paul

Inserts  
4-8/19

RKF



**ASSEMBLY AMENDMENT 2,  
TO 1999 ASSEMBLY BILL 661**

*Insert 4-8*

March 14, 2000 - Offered by Representatives WOOD and JOHNSRUD.

~~§~~

1 At the locations indicated, amend the bill as follows:

2 1. Page 4, line 8: after that line insert:

3 ~~§~~ SECTION ~~13a.~~ <sup>#</sup> 29.314 (5) (b) 3r. of the statutes is created to read:

4 29.314 (5) (b) 3r. To a person who uses a stationary yard light for the purpose  
5 of illuminating residential property that the person owns, <sup>✓</sup> leases, or occupies. ~~§~~

6 ~~§~~ *13a*



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

March 9, 2001

### MEMORANDUM

To: Representative Johnsrud

From: Robin N. Kite, Legislative Attorney

Re: LRB-2668 Use of night vision equipment while hunting

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

<sup>SR</sup> JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7291 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.