

## 2001 SENATE BILL 378

1     **AN ACT** *to amend* 895.80 (1) and 939.32 (1) (intro.); and *to create* 943.74 and  
2           973.075 (1) (bj) of the statutes; **relating to:** theft of farm-raised fish and  
3           providing penalties.

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*Analysis by the Legislative Reference Bureau*

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

4           **SECTION 1.** 895.80 (1) of the statutes, as affected by 2001 Wisconsin Act 16, is  
5           amended to read:  
6           895.80 (1) Any person who suffers damage or loss by reason of intentional  
7           conduct that occurs on or after November 1, 1995, and that is prohibited under s.  
8           943.01, 943.20, 943.21, 943.24, 943.26, 943.34, 943.395, 943.41, 943.50, 943.61,  
9           943.74, or 943.76, or by reason of intentional conduct that occurs on or after April 28,  
10          1998, and that is prohibited under s. 943.201, has a cause of action against the person  
11          who caused the damage or loss.

**SENATE BILL 378****SECTION 2**

1           **SECTION 2.** 939.32 (1) (intro.) of the statutes is amended to read:

2           939.32 **(1)** (intro.) Whoever attempts to commit a felony or a crime specified in  
3 s. 940.19, 940.195 or, 943.20, or 943.74 may be fined or imprisoned or both not to  
4 exceed one-half the maximum penalty for the completed crime; except:

5           **SECTION 3.** 943.74 of the statutes is created to read:

6           **943.74 Theft of farm-raised fish. (1)** In this section, “farm-raised fish”  
7 means a fish that is kept on a fish farm for propagation purposes or reared on a fish  
8 farm and that has not been introduced, stocked, or planted into waters outside a fish  
9 farm and that has not escaped from a fish farm.

10           (b) “Fish farm” means a facility at which a person, including this state or a local  
11 governmental unit, hatches fish eggs or rears fish for the purpose of introduction into  
12 the waters of the state, human or animal consumption, permitting fishing, or use as  
13 bait or fertilizer or for sale to another person to rear for one of those purposes.

14           (c) “Local governmental unit” means a political subdivision of this state, a  
15 special purpose district in this state, an instrumentality or corporation of the  
16 political subdivision or special purpose district, or a combination or subunit of any  
17 of the foregoing.

18           **(2)** No person may intentionally take and carry away, transfer, conceal, or  
19 retain possession of farm-raised fish of another without the other’s consent and with  
20 intent to deprive the owner permanently of possession of the farm-raised fish.

21           **(3)** (a) Except as provided in par. (b), whoever violates sub. (2) is guilty of a Class  
22 A misdemeanor.

23           (b) Whoever violates sub. (2) after having been convicted of a violation of sub.  
24 (2) is guilty of a Class D felony.

25           **SECTION 4.** 973.075 (1) (bj) of the statutes is created to read:

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1           973.075 (1) (bj) Any property used or to be used in the commission of a crime  
2           under s. 943.74, but if the property is encumbered by a bona fide perfected security  
3           interest that was perfected before the date of the commission of the current violation  
4           and the holder of the security interest neither had knowledge of nor consented to the  
5           commission of that violation, the holder of the security interest shall be paid from the  
6           proceeds of the forfeiture.

7

**(END)**