

2001 Senate Bill 378

Date of enactment: **April 18, 2002**

Date of publication*: **May 2, 2002**

2001 WISCONSIN ACT 91

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

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

SECTION 1. 895.80 (1) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

895.80 (1) Any person who suffers damage or loss by reason of intentional conduct that occurs on or after November 1, 1995, and that is prohibited under s. 943.01, 943.20, 943.21, 943.24, 943.26, 943.34, 943.395, 943.41, 943.50, 943.61, 943.74, or 943.76, or by reason of intentional conduct that occurs on or after April 28, 1998, and that is prohibited under s. 943.201, has a cause of action against the person who caused the damage or loss.

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

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

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

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

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

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

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

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

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

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

973.075 (1) (bj) Any property used or to be used in the commission of a crime under s. 943.74, but if the property is encumbered by a bona fide perfected security interest that was perfected before the date of the commission of the current violation and the holder of the security

* Section 991.11, WISCONSIN STATUTES 1999-00: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

interest neither had knowledge of nor consented to the
commission of that violation, the holder of the security

interest shall be paid from the proceeds of the forfeiture.

