

2001 SENATE BILL 378

January 11, 2002 – Introduced by Senators SCHULTZ, BAUMGART, JAUCH and ROESSLER, cosponsored by Representatives FREESE, GRONEMUS, LADWIG, LASSA, RYBA, LOEFFELHOLZ, KRAWCZYK, TURNER, SKINDRUD, STARZYK, PLOUFF, MUSSER, PETTIS, HAHN, MCCORMICK, ALBERS, PETROWSKI, JOHNSRUD, HINES, OTT, STONE, VRAKAS, TOWNSEND, SYKORA and GUNDERSON. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

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.

Analysis by the Legislative Reference Bureau

Generally, under current law, the theft of property with a value that does not exceed \$2,500 is a Class A misdemeanor, punishable by a fine of not more than \$10,000 or imprisonment for not more than nine months or both. However, theft of certain kinds of property, including domestic animals, with a value that does not exceed \$2,500 is a Class D felony, punishable by a fine of not more than \$10,000 or imprisonment for not more than ten years or both.

This bill prohibits the theft of farm-raised fish. First-offense theft of farm-raised fish, of any value, is a Class A misdemeanor, punishable by a fine of not more than \$10,000 or imprisonment for not more than nine months or both, and second-or-subsequent-offense theft of farm-raised fish is a Class D felony, punishable by a fine of not more than \$10,000 or imprisonment for not more than ten years or both. The bill also authorizes the seizure and forfeiture of property used in the theft of farm-raised fish.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

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

3 **895.80 (1)** Any person who suffers damage or loss by reason of intentional
4 conduct that occurs on or after November 1, 1995, and that is prohibited under s.
5 943.01, 943.20, 943.21, 943.24, 943.26, 943.34, 943.395, 943.41, 943.50, 943.61,
6 943.74, or 943.76, or by reason of intentional conduct that occurs on or after April 28,
7 1998, and that is prohibited under s. 943.201, has a cause of action against the person
8 who caused the damage or loss.

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

10 **939.32 (1) (intro.)** Whoever attempts to commit a felony or a crime specified in
11 s. 940.19, 940.195 ~~or~~, 943.20, or 943.74 may be fined or imprisoned or both not to
12 exceed one-half the maximum penalty for the completed crime; except:

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

14 **943.74 Theft of farm-raised fish. (1)** In this section, “farm-raised fish”
15 means a fish that is kept on a fish farm for propagation purposes or reared on a fish
16 farm and that has not been introduced, stocked, or planted into waters outside a fish
17 farm and that has not escaped from a fish farm.

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

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

