

2005 Assembly Bill 748

Date of enactment: **March 21, 2006**

Date of publication\*: **April 4, 2006**

## 2005 WISCONSIN ACT 169

AN ACT *to amend* 167.31 (4) (a) 4. (intro.) and 167.31 (4) (b); and *to create* 167.31 (1) (et), 167.31 (1) (fr), 167.31 (3m) and 167.31 (4) (h) of the statutes; **relating to:** discharging a firearm in the direction of an electric or telecommunications transmission facility and providing a penalty.

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

**SECTION 2.** 167.31 (1) (et) of the statutes is created to read:

167.31 (1) (et) "Private security person" has the meaning given in s. 440.26 (1m) (h).

**SECTION 2r.** 167.31 (1) (fr) of the statutes is created to read:

167.31 (1) (fr) "Transmission facility" means any pipe, pipeline, duct, wire, cable, line, conduit, pole, tower, equipment, or other structure used to transmit or distribute electricity to or for the public or to transmit or distribute communications or data to or from the public.

**SECTION 3.** 167.31 (3m) of the statutes is created to read:

167.31 (3m) PROHIBITIONS; TRANSMISSION FACILITIES.  
(a) Except as provided in sub. (4) (b) and (h), no person may intentionally discharge a firearm in the direction of a transmission facility.

(b) A person who violates par. (a) and causes damage to a transmission facility is subject to a forfeiture of not more than \$100.

(c) In addition to any forfeiture imposed under par. (b), the court shall revoke any hunting license under ch. 29 that is issued to the person found in violation for a period of one year.

(d) In addition to any forfeiture imposed under par. (b) and the revocation required under par. (c), the court shall enter a restitution order that requires the defendant to pay to the owner of the transmission facility the reasonable cost of the repair or replacement of the transmission facility.

**SECTION 4.** 167.31 (4) (a) 4. (intro.) of the statutes is amended to read:

167.31 (4) (a) 4. (intro.) A private security person, as defined in s. 440.26 (1m), who meets all of the following requirements:

**SECTION 5.** 167.31 (4) (b) of the statutes is amended to read:

167.31 (4) (b) Subsections (2) (a), (b) and (c) and (3) (a) and (b), and (3m) do not apply to the holder of a scientific research license under s. 169.25 or a scientific collector permit under s. 29.614 who is using a net gun or tranquilizer gun in an activity related to the purpose for which the license or permit was issued.

**SECTION 6.** 167.31 (4) (h) of the statutes is created to read:

167.31 (4) (h) Subsection (3m) does not apply to any of the following who discharge a firearm in the direction of a transmission facility:

1. A member of the armed forces in the line of duty.
2. A member of the national guard in the line of duty.
3. A peace officer in the line of duty.

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\* Section 991.11, WISCONSIN STATUTES 2003-04 : 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].

4. A private security person who meets all of the requirements under par (a) 4.

**SECTION 7. Effective date.**

(1) This act takes effect on the first day of the 7th month beginning after publication.

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