

## 2005 ASSEMBLY BILL 748

October 11, 2005 – Introduced by Representatives VAN ROY, GARD, GUNDERSON, MONTGOMERY, KRAWCZYK, BIES, MCCORMICK, HAHN, VOS, MUSSER, ALBERS, OWENS, NERISON, HINES and OTT, cosponsored by Senators COWLES and HANSEN. Referred to Committee on Energy and Utilities.

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

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### *Analysis by the Legislative Reference Bureau*

Under current law, a person is prohibited from discharging a firearm from a vehicle or motorboat with the motor running, from or across a roadway, or from an aircraft. This bill prohibits a person from discharging a firearm in the direction of power lines or towers or other structures used to transmit electricity to the public (electric transmission facility). If the person does so and causes damage, the person is subject to a forfeiture and will have his or her hunting licenses revoked for one year. In addition, the court must order that the defendant pay for the cost of repairing or replacing the electric transmission facility. The bill exempts certain persons from this prohibition, including law enforcement officers and scientific collectors.

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

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

5           **SECTION 1.** 167.31 (1) (at) of the statutes is created to read:

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1           167.31 (1) (at) “Electric transmission facility” means any pipe, pipeline, duct,  
2 wire, cable, line, conduit, pole, tower, equipment, or other structure used to transmit  
3 or distribute electricity to or for the public.

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

5           167.31 (1) (et) “Private security person” has the meaning given in s. 440.26 (1m)  
6 (h).

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

8           167.31 (3m) PROHIBITIONS; ELECTRIC TRANSMISSION FACILITIES. (a) Except as  
9 provided in sub. (4) (b) and (h), no person may intentionally discharge a firearm in  
10 the direction of an electric transmission facility.

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

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

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

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

21           167.31 (4) (a) 4. (intro.) A private security person, ~~as defined in s. 440.26 (1m),~~  
22 who meets all of the following requirements:

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

24           167.31 (4) (b) Subsections (2) (a), (b) and (c) ~~and~~, (3) (a) and (b), and (3m) do not  
25 apply to the holder of a scientific research license under s. 169.25 or a scientific

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1 collector permit under s. 29.614 who is using a net gun or tranquilizer gun in an  
2 activity related to the purpose for which the license or permit was issued.

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

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

- 6 1. A member of the armed forces in the line of duty.
- 7 2. A member of the national guard in the line of duty.
- 8 3. A peace officer in the line of duty.
- 9 4. A private security person who meets all of the requirements under par (a)
- 10 4.

11 **SECTION 7. Effective date.**

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

14 (END)