

## 2005 ASSEMBLY BILL 842

November 23, 2005 – Introduced by Representatives MOULTON, GUNDERSON, MUSSER, VAN ROY, LEHMAN, KRAWCZYK, SHERIDAN, OTT, MONTGOMERY, KESTELL, PETTIS, M. WILLIAMS, TURNER, NELSON, BIES, McCORMICK, BALLWEG, MURSAU, HINES, KREIBICH, NASS, NERISON, ALBERS and OWENS, cosponsored by Senators ZIEN, OLSEN, KEDZIE and GROTHMAN. Referred to Committee on Natural Resources.

1     **AN ACT** *to repeal* 29.934 (3); *to amend* 20.370 (1) (Lq), 29.541 (1) (a) (intro.),  
2           29.931 (2) (b), 29.934 (1) (a), 29.934 (2) and 968.20 (3); and *to create* 29.597 (7)  
3           and 29.938 of the statutes; **relating to:** the use by the Department of Natural  
4           Resources of seized, confiscated, or unclaimed property for educational  
5           hunting, fishing, trapping, and other conservation activities; the sale by the  
6           Department of Natural Resources of seized, perishable property and  
7           confiscated wild animals and carcasses; and the receipt of proceeds by the  
8           Department of Natural Resources for skins of fur-bearing animals that are  
9           prepared as part of the course of instruction under the trapper education  
10          program.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Natural Resources (DNR) supervises the administration of a trapper education program. This bill specifically authorizes DNR to sell the skins that are prepared as part of the course of instruction under the program. Under the bill, the proceeds of these sales are credited to an appropriation to provide funding for the trapper education program.

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The bill also authorizes DNR to receive and use unclaimed property that is in DNR's possession and property and weapons that have been seized or confiscated as a result of violations of certain laws, including fish and game laws and the trespass law. DNR may then use the property for DNR's educational programs relating to hunting, fishing, trapping, and other conservation activities.

Under current law, the only person who may resell confiscated fish or game that was purchased from DNR is a restaurant owner who resells it to the restaurant's customers. This bill repeals this provision and gives DNR general authority to allow the resale of confiscated fish and game.

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:***

1           **SECTION 1.** 20.370 (1) (Lq) of the statutes is amended to read:

2           20.370 (1) (Lq) *Trapper education program.* As a continuing appropriation, all  
3 moneys remitted to the department under s. 29.597 (3), an amount equal to the  
4 amount calculated under s. 29.331 (3m), all moneys received from the sale of skins  
5 processed as part of the trapper education program under s. 29.597, and all moneys  
6 received from fees collected under s. 29.563 (12) (c) 3. for the trapper education  
7 program under s. 29.597.

8           **SECTION 2.** 29.541 (1) (a) (intro.) of the statutes is amended to read:

9           29.541 (1) (a) (intro.) No Except as authorized under s. 29.934 (2), no innkeeper,  
10 manager or steward of any restaurant, club, hotel, boarding house, tavern, logging  
11 camp or mining camp may sell, barter, serve or give, or cause to be sold, bartered,  
12 served or given, to its guests or boarders any of the following:

13           **SECTION 3.** 29.597 (7) of the statutes is created to read:

14           29.597 (7) **PROCEEDS FROM THE SALE OF SKINS.** The department may sell, either  
15 directly or by an agent under supervision of the department, skins that are prepared  
16 as a part of the course of instruction under the trapper education program. Any

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1 proceeds that the department receives from the sale of these skins shall be credited  
2 to the appropriation account under s. 20.370 (1) (Lq).

3 **SECTION 4.** 29.931 (2) (b) of the statutes is amended to read:

4 29.931 **(2)** (b) Any perishable property seized by the department or its wardens  
5 under this section may be sold at the highest available price, and the proceeds of the  
6 sale turned into court for disposition as the court directs.

7 **SECTION 5.** 29.934 (1) (a) of the statutes is amended to read:

8 29.934 **(1)** (a) All wild animals, carcasses ~~or~~ plants, vehicles, boats, or objects  
9 that are confiscated by the department for a violation of this chapter or ch. 169 ~~and~~  
10 ~~all vehicles, boats or objects confiscated by the department for a violation of this~~  
11 ~~chapter or ch. 169~~ shall, if not destroyed as authorized by law, be sold at the highest  
12 price obtainable, except as provided in ss. 29.936 and 29.938, by the department, or  
13 by an agent on commission under supervision of the department. The net proceeds  
14 of sales under this subsection, after deducting the expense of seizure and sale and  
15 any commissions and any amounts owing to holders of security interests under par.  
16 (c) or (d), shall be remitted to the department. The remittance shall be accompanied  
17 by a report of the sales, supported by vouchers for expenses and commissions, and  
18 shall be filed with the department.

19 **SECTION 6.** 29.934 (2) of the statutes is amended to read:

20 29.934 **(2)** On any sales under this section of wild animals or carcasses, the  
21 department or the agent selling them shall issue to each purchaser a certificate, on  
22 forms prepared and furnished by the department, covering the sales. The wild  
23 animals or carcasses so purchased shall be consumed, resold, or otherwise disposed  
24 of by the purchaser within a period to be set by the department, ~~but may not be.~~ Any  
25 such wild animal or carcass may be resold or exchanged, in whole or in part, to any

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1 ~~other another~~ person, ~~except as provided in sub. (3)~~ only as authorized by the  
2 department.

3 **SECTION 7.** 29.934 (3) of the statutes is repealed.

4 **SECTION 8.** 29.938 of the statutes is created to read:

5 **29.938 Use by the department of unclaimed, seized, or confiscated**  
6 **property.** The department may receive, retain, and use for the hunter education  
7 programs under ss. 29.591 and 29.595, the trapper education program under s.  
8 29.597, or other educational hunting, fishing, trapping, or conservation activities the  
9 department conducts any of the following property:

10 (1) Property seized or confiscated for violations of s. 167.31 or 943.13, this  
11 chapter, or ch. 169 or 951.

12 (2) Property turned over to the department under s. 968.20 (3).

13 (3) Personal property that is in the possession of the department and that is  
14 lost, abandoned, or not claimed by its owner.

15 **SECTION 9.** 968.20 (3) of the statutes is amended to read:

16 968.20 (3) (a) First class cities shall dispose of dangerous weapons or  
17 ammunition seized 12 months after taking possession of them if the owner,  
18 authorized under sub. (1m), has not requested their return and if the dangerous  
19 weapon or ammunition is not required for evidence or use in further investigation  
20 and has not been disposed of pursuant to a court order at the completion of a criminal  
21 action or proceeding. Disposition procedures shall be established by ordinance or  
22 resolution and may include provisions authorizing an attempt to return to the  
23 rightful owner any dangerous weapons or ammunition which appear to be stolen or  
24 are reported stolen. If enacted, any such provision shall include a presumption that  
25 if the dangerous weapons or ammunition appear to be or are reported stolen an

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1 attempt will be made to return the dangerous weapons or ammunition to the  
2 authorized rightful owner. If the return of a seized dangerous weapon other than a  
3 firearm is not requested by its rightful owner under sub. (1) and is not returned by  
4 the officer under sub. (2), the city shall safely dispose of the dangerous weapon or,  
5 if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell the motor  
6 vehicle following the procedure under s. 973.075 (4) or authorize a law enforcement  
7 agency to retain and use the motor vehicle. If the return of a seized firearm or  
8 ammunition is not requested by its authorized rightful owner under sub. (1) and is  
9 not returned by the officer under sub. (2), the seized firearm or ammunition shall be  
10 shipped to and become property of the state crime laboratories. A person designated  
11 by the department of justice may destroy any material for which the laboratory has  
12 no use or arrange for the exchange of material with other public agencies. In lieu of  
13 destruction, shoulder weapons for which the laboratories have no use shall be turned  
14 over to the department of natural resources for sale and distribution of proceeds  
15 under s. 29.934 or for use under s. 29.938.

16 (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village, town or  
17 county or other custodian of a seized dangerous weapon or ammunition, if the  
18 dangerous weapon or ammunition is not required for evidence or use in further  
19 investigation and has not been disposed of pursuant to a court order at the  
20 completion of a criminal action or proceeding, shall make reasonable efforts to notify  
21 all persons who have or may have an authorized rightful interest in the dangerous  
22 weapon or ammunition of the application requirements under sub. (1). If, within 30  
23 days after the notice, an application under sub. (1) is not made and the seized  
24 dangerous weapon or ammunition is not returned by the officer under sub. (2), the  
25 city, village, town or county or other custodian may retain the dangerous weapon or

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1 ammunition and authorize its use by a law enforcement agency, except that a  
2 dangerous weapon used in the commission of a homicide or a handgun, as defined  
3 in s. 175.35 (1) (b), may not be retained. If a dangerous weapon other than a firearm  
4 is not so retained, the city, village, town or county or other custodian shall safely  
5 dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as  
6 defined in s. 340.01 (35), sell the motor vehicle following the procedure under s.  
7 973.075 (4). If a firearm or ammunition is not so retained, the city, village, town or  
8 county or other custodian shall ship it to the state crime laboratories and it is then  
9 the property of the laboratories. A person designated by the department of justice  
10 may destroy any material for which the laboratories have no use or arrange for the  
11 exchange of material with other public agencies. In lieu of destruction, shoulder  
12 weapons for which the laboratory has no use shall be turned over to the department  
13 of natural resources for sale and distribution of proceeds under s. 29.934 or for use  
14 under s. 29.938.

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(END)