

2005 DRAFTING REQUEST

Bill

Received: **04/13/2005**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Gunderson (608) 266-3363**

By/Representing: **Mike Bruhn**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gunderson@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Use of unclaimed or seized skins or property

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	mglass 05/16/2005	wjackson 06/16/2005	rschluet 06/16/2005	_____	sbasford 06/16/2005		S&L
/2	mglass 06/27/2005	wjackson 06/30/2005	pgreensl 06/30/2005	_____	sbasford 06/30/2005		S&L
/3	mglass 07/09/2005	wjackson 07/11/2005	pgreensl 07/12/2005	_____	lemery 07/12/2005	sbasford 10/27/2005	

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/2	mglass 06/27/2005	wjackson 06/30/2005	pgreensl 06/30/2005	<u>7/12</u> <u>Sec.</u>	sbasford 06/30/2005		

FE Sent For:

13 WJ 7/11

7/12
ps

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/?							S&L
/1	mglass 05/16/2005	wjackson 06/16/2005	rschluet 06/16/2005	<u>4/30</u>	sbasford 06/16/2005		

FE Sent For:

12 Wlj 6/30

4/30
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pg 1/12

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/?	mglass	1 WJ 6/16					
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FE Sent For:

<END>

Gibson-Glass, Mary

From: Bruhn, Mike
Sent: Monday, April 04, 2005 11:02 AM
To: Gibson-Glass, Mary
Subject: FW: Trapping Bill

Mary,

Representative Gunderson would like the attached language, which was part of 2003 AB109, drafted as a separate bill. The portion we'd like redrafted directs the money generated from the sale of illegal furs into the trapper education program and allows seized illegal equipment to be used in trapper and hunter education courses.

Sections 33 and 39 in the attached document are specific new sections created to allow such funds to be used for trapper and hunter education courses. The other sections contain a some minor amendments that relate to these sections.

The items highlighted in yellow are new suggested changes from the DNR that were not part of the original AB109, but that they feel will improve these sections as well.

Please feel free to contact me with any questions.

Thanks,

Mike Bruhn
Rep. Gunderson's office

-----Original Message-----

From: Van Haren, Thomas
Sent: Wednesday, March 30, 2005 6:10 PM
To: Bruhn, Mike
Cc: Stark, Randall J
Subject: RE: Trapping Bill

Hi Mike,

Randy Stark asked me to send you the attached language which was part of 2003 AB109. It directs the money generated from the sale of illegal furs into the trapper education program and allows seized illegal equipment to be used in trapper and hunter education courses. Randy and Scott apparently discussed this yesterday and Scott was interested in introducing this as a separate bill.

Sections 33 and 39 in the attached document are specific new sections created to allow such funds to be used for trapper and hunter education courses. The other sections contain a some minor amendments that relate to these sections.


The items highlighted in yellow are new suggested changes that were not part of the original AB109, but that we feel will improve these sections as well.

Let me know if you have any questions.

Thanks.



Confiscated Items
Language.doc...

 **Thomas H. Van Haren**

Conservation Warden / NR Policy Officer

Bureau of Law Enforcement

Wisconsin Department of Natural Resources

(☎) phone: (608) 266-3244

**FROM: ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 109** (~~946~~)

– Pages 7 & 13 –

19769

1 **SECTION 33.** 29.597 (7) of the statutes is created to read:
2 29.597 (7) PROCEEDS FROM THE SALE OF SKINS. The department may sell, either
3 directly or by an agent under supervision by the department, skins that are prepared
4 as a part of the course of instruction under the trapper education program. Any
5 proceeds that the department receives from the sale of these skins shall be credited
6 to the appropriation account under s. 20.370 (1) (Lq).

7 **SECTION 34.** 29.931 (1) of the statutes is amended to read:
8 29.931 (1) SEIZURE AND CONFISCATION OF WILD ANIMALS OR PLANTS. The
9 department and its wardens shall seize and confiscate any wild animal, carcass or
10 plant caught, killed, taken, had in possession or under control, sold or transported
11 in violation of this chapter or ch. 169 or s. 167.31 or 943.13, or ch. 951 if the violation involves
12 an animal normally found in the a wild animal The officer may, with or without warrant,
13 open, enter and examine all buildings, camps, boats on inland or outlying waters,
14 vehicles, valises, packages and other places where the officer has probable cause to
15 believe that wild animals, carcasses or plants, taken or held ~~in violation of this~~
16 ~~chapter or ch. 169~~ the commission of such violations, are to be found.

17 **SECTION 35.** 29.931 (2) (a) of the statutes is amended to read:
18 29.931 (2) (a) The department and its wardens shall seize and hold, subject to
19 the order of the court for the county in which the alleged offense was committed, any
20 vehicle, boat or object declared by this chapter to be a public nuisance, or which they
21 have probable cause to believe is being used in violation of this chapter or ch. 169 or
22 s. 167.31, 287.81, 940.24, 941.20, 943.13, 948.60, 948.605 or 948.61, is being used in the
23 ~~commission of a crime involving violation of ch. 951 if the violation involves an animal~~
normally found in the a wild animal ~~in violation of s. 951.09~~, or is being used in the
24 commission of a crime relating to a submerged cultural resource in violation of s.

1 44.47. If it is proven that the vehicle, boat or object is a public nuisance or that within
2 6 months previous to the seizure the vehicle, boat or object was used in violation of
3 this chapter or ch. 169 or s. 167.31, 287.81, 940.24, 943.13, 941.20, 948.60, 948.605 or 948.61,
4 was used in ~~the commission of a crime involving violation of ch. 951 if the violation involved~~
~~an animal normally found in the~~ a wild animal in violation of ~~s. 951.09~~, or was used
5 in the commission of a crime relating to a submerged cultural resource in violation
6 of s. 44.47, it shall be confiscated if the court directs in its order for judgment.

7 **SECTION 36.** 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 or 951 or ss. 167.31 or 943.13~~, if not destroyed as authorized by law, shall
12 be sold, except as provided in ss. 29.936 and 29.938, at the highest price obtainable,
13 by the department, or by an agent on commission under supervision of the
14 department. The net proceeds of sales under this subsection, after deducting the
15 expense of seizure and sale and any commissions and any amounts owing to holders
16 of security interests under par. (c) or (d), shall be remitted to the department. The
17 remittance shall be accompanied by a report of the sales, supported by vouchers for
18 expenses and commissions, and shall be filed with the department.

19 **SECTION 37.** 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 resold
25 or exchanged, in whole or in part, to any other person, ~~except as provided in sub. (3)~~
26 authorized by the department.

27 **SECTION 38.** 29.934 (3) of the statutes is repealed.

1 **SECTION 39.** 29.938 of the statutes is created to read:

2 **29.938 Use by the department of unclaimed, seized, or confiscated**
3 **property.** The department may retain and use any of the following property for the
4 education programs under s. 29.591, the trapper education program under s. 29.597,
5 or other educational hunting, fishing, trapping, or conservation activities conducted
6 by the department:

7 Property seized or confiscated by the department under this chapter or ch.
8 169 or 951 or ss. 167.31 or 943.13.

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

10 Personal property that is in the possession of the department and that is
11 lost, abandoned, or not claimed by its owner.

12 **SECTION 42.** 968.20 (3) of the statutes is amended to read:

13 968.20 (3) (a) First class cities shall dispose of dangerous weapons or
14 ammunition seized 12 months after taking possession of them if the owner,
15 authorized under sub. (1m), has not requested their return and if the dangerous
16 weapon or ammunition is not required for evidence or use in further investigation
17 and has not been disposed of pursuant to a court order at the completion of a criminal
18 action or proceeding. Disposition procedures shall be established by ordinance or
19 resolution and may include provisions authorizing an attempt to return to the
20 rightful owner any dangerous weapons or ammunition which appear to be stolen or
21 are reported stolen. If enacted, any such provision shall include a presumption that
22 if the dangerous weapons or ammunition appear to be or are reported stolen an
23 attempt will be made to return the dangerous weapons or ammunition to the
24 authorized rightful owner. If the return of a seized dangerous weapon other than a
25 firearm is not requested by its rightful owner under sub. (1) and is not returned by
26 the officer under sub. (2), the city shall safely dispose of the dangerous weapon or,
27 if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell the motor
28 vehicle following the procedure under s. 973.075 (4) or authorize a law enforcement
29 agency to retain and use the motor vehicle. If the return of a seized firearm or
30 ammunition is not requested by its authorized rightful owner under sub. (1) and is

1 not returned by the officer under sub. (2), the seized firearm or ammunition shall be
2 shipped to and become property of the state crime laboratories. A person designated
3 by the department of justice may destroy any material for which the laboratory has
4 no use or arrange for the exchange of material with other public agencies. In lieu of
5 destruction, shoulder weapons for which the laboratories have no use shall be turned
6 over to the department of natural resources for sale and distribution of proceeds
7 under s. 29.934 or for use under s. 29.938.

8 (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village, town or
9 county or other custodian of a seized dangerous weapon or ammunition, if the
10 dangerous weapon or ammunition is not required for evidence or use in further
11 investigation and has not been disposed of pursuant to a court order at the
12 completion of a criminal action or proceeding, shall make reasonable efforts to notify
13 all persons who have or may have an authorized rightful interest in the dangerous
14 weapon or ammunition of the application requirements under sub. (1). If, within 30
15 days after the notice, an application under sub. (1) is not made and the seized
16 dangerous weapon or ammunition is not returned by the officer under sub. (2), the
17 city, village, town or county or other custodian may retain the dangerous weapon or
18 ammunition and authorize its use by a law enforcement agency, except that a
19 dangerous weapon used in the commission of a homicide or a handgun, as defined
20 in s. 175.35 (1) (b), may not be retained. If a dangerous weapon other than a firearm
21 is not so retained, the city, village, town or county or other custodian shall safely
22 dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as
23 defined in s. 340.01 (35), sell the motor vehicle following the procedure under s.
24 973.075 (4). If a firearm or ammunition is not so retained, the city, village, town or
25 county or other custodian shall ship it to the state crime laboratories and it is then
26 the property of the laboratories. A person designated by the department of justice
27 may destroy any material for which the laboratories have no use or arrange for the
28 exchange of material with other public agencies. In lieu of destruction, shoulder
29 weapons for which the laboratory has no use shall be turned over to the department
30 of natural resources for sale and distribution of proceeds under s. 29.934 or for use
31 under s. 29.938.

(END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2775/2

MGG:.....

RMR

wlj

in editing
5/14

D-Note
today, if possible

6/3

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

insert
REL ✓

1 AN ACT ...; relating to: the use by the ^{DNR} Department of Natural Resources of seized,
 2 confiscated, or unclaimed property for educational hunting, fishing, trapping,
 3 and other conservation activities, ^{and the receipt of proceeds} ~~proceeds received~~ by the Department of
 4 ^{DNR} Natural Resources for skins of fur-bearing animals that are prepared as part
 5 of the course of instruction under the trapper education program. ^{and providing a penalty}

Analysis by the Legislative Reference Bureau

Under current law, ^{DNR receives} proceeds received by the Department of Natural Resources
 (DNR) from the sales of pelts that are prepared during instruction under the trapper
 education program established by DNR ^{and deposits the proceeds} are deposited in the conservation fund. ^{INS ANL}
 Under this bill, these proceeds are specifically credited to an appropriation to provide
 funds for the trapper education program.

^{STE} The bill also allows DNR to retain and use unclaimed, seized, or confiscated
 property, for DNR's educational hunting, fishing, trapping, and other conservation
 programs.

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:**

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 by the department, no
10 innkeeper, manager or steward of any restaurant, club, hotel, boarding house,
11 tavern, logging camp or mining camp may sell, barter, serve or give, or cause to be
12 sold, bartered, served or given, to its guests or boarders any of the following:

INS ✓
2-9 ✓

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} by the department, skins that are prepared
16 as a part of the course of instruction under the trapper education program. Any
17 proceeds that the department receives from the sale of these skins shall be credited
18 to the appropriation account under s. 20.370 (1) (Lq).

19 SECTION 4. 29.934 (1) (a) of the statutes is amended to read:

20 29.934 (1) (a) All wild animals, carcasses or plants that are confiscated by the
21 department for a violation of this chapter or ch. 169 and all vehicles, boats or objects
22 confiscated by the department for a violation of this chapter or ch. 169 shall, if not
23 destroyed as authorized by law, be sold, except as provided in ss. 29. 936 and 29.938,
24 at the highest price obtainable, by the department, or by an agent on commission
25 under supervision of the department. The net proceeds of sales under this

1 subsection, after deducting the expense of seizure and sale and any commissions and
 2 any amounts owing to holders of security interests under par. (c) or (d), shall be
 3 remitted to the department. The remittance shall be accompanied by a report of the
 4 sales, supported by vouchers for expenses and commissions, and shall be filed with
 5 the department.

INSERT 3-5

6 SECTION 5. 29.934 (2) of the statutes is amended to read:

7 29.934 (2) On any sales under this section of wild animals or carcasses, the
 8 department or the agent selling them shall issue to each purchaser a certificate, on
 9 forms prepared and furnished by the department, covering the sales. The wild
 10 animals or carcasses so purchased shall be consumed, resold, or otherwise disposed
 11 of by the purchaser within a period to be set by the department, but may not be resold
 12 or exchanged, in whole or in part, to any other person, except as ~~provided in sub. (3)~~
 13 authorized by the department.

14 SECTION 6. 29.934 (3) of the statutes is repealed.

15 SECTION 7. 29.938 of the statutes is created to read:

16 **29.938 Use by the department of unclaimed, seized, or confiscated**
 17 **property.** The department may retain and use any of the following property for the
 18 education programs under s. 29.591, the trapper education program under s. 29.597,
 19 or other educational hunting, fishing, trapping, or conservation activities conducted
 20 by the department:

- 21 (1) Property seized or confiscated under this chapter or ch. 169.
- 22 (2) Property turned over to the department under s. 968.20 (3).
- 23 (3) Personal property that is in the possession of the department and that is
 24 lost, abandoned, or not claimed by its owner.

25 SECTION 8. 968.20 (3) of the statutes is amended to read:

INS ✓
3-24

1 968.20 (3) (a) First class cities shall dispose of dangerous weapons or
2 ammunition seized 12 months after taking possession of them if the owner,
3 authorized under sub. (1m), has not requested their return and if the dangerous
4 weapon or ammunition is not required for evidence or use in further investigation
5 and has not been disposed of pursuant to a court order at the completion of a criminal
6 action or proceeding. Disposition procedures shall be established by ordinance or
7 resolution and may include provisions authorizing an attempt to return to the
8 rightful owner any dangerous weapons or ammunition which appear to be stolen or
9 are reported stolen. If enacted, any such provision shall include a presumption that
10 if the dangerous weapons or ammunition appear to be or are reported stolen an
11 attempt will be made to return the dangerous weapons or ammunition to the
12 authorized rightful owner. If the return of a seized dangerous weapon other than a
13 firearm is not requested by its rightful owner under sub. (1) and is not returned by
14 the officer under sub. (2), the city shall safely dispose of the dangerous weapon or,
15 if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell the motor
16 vehicle following the procedure under s. 973.075 (4) or authorize a law enforcement
17 agency to retain and use the motor vehicle. If the return of a seized firearm or
18 ammunition is not requested by its authorized rightful owner under sub. (1) and is
19 not returned by the officer under sub. (2), the seized firearm or ammunition shall be
20 shipped to and become property of the state crime laboratories. A person designated
21 by the department of justice may destroy any material for which the laboratory has
22 no use or arrange for the exchange of material with other public agencies. In lieu of
23 destruction, shoulder weapons for which the laboratories have no use shall be turned
24 over to the department of natural resources for sale and distribution of proceeds
25 under s. 29.934 or for use under s. 29.938.

1 (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village, town or
2 county or other custodian of a seized dangerous weapon or ammunition, if the
3 dangerous weapon or ammunition is not required for evidence or use in further
4 investigation and has not been disposed of pursuant to a court order at the
5 completion of a criminal action or proceeding, shall make reasonable efforts to notify
6 all persons who have or may have an authorized rightful interest in the dangerous
7 weapon or ammunition of the application requirements under sub. (1). If, within 30
8 days after the notice, an application under sub. (1) is not made and the seized
9 dangerous weapon or ammunition is not returned by the officer under sub. (2), the
10 city, village, town or county or other custodian may retain the dangerous weapon or
11 ammunition and authorize its use by a law enforcement agency, except that a
12 dangerous weapon used in the commission of a homicide or a handgun, as defined
13 in s. 175.35 (1) (b), may not be retained. If a dangerous weapon other than a firearm
14 is not so retained, the city, village, town or county or other custodian shall safely
15 dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as
16 defined in s. 340.01 (35), sell the motor vehicle following the procedure under s.
17 973.075 (4). If a firearm or ammunition is not so retained, the city, village, town or
18 county or other custodian shall ship it to the state crime laboratories and it is then
19 the property of the laboratories. A person designated by the department of justice
20 may destroy any material for which the laboratories have no use or arrange for the
21 exchange of material with other public agencies. In lieu of destruction, shoulder
22 weapons for which the laboratory has no use shall be turned over to the department
23 of natural resources for sale and distribution of proceeds under s. 29.934 or for use
24 under s. 29.938.

25 (END)

2005 ASSEMBLY BILL 409

May 10, 2005 - Introduced by Representatives PETTIS, GUNDERSON, MUSSER, AINSWORTH, ALBERS, HAHN, HINES, KESTELL, KREIBICH, PRIDEMORE, TOWNSEND, BIES, LOTHIAN and SHILLING, cosponsored by Senators STEPP and GROTHMAN. Referred to Committee on Natural Resources.

1 AN ACT *to amend* 23.33 (3) (c), 23.50 (1), 23.62 (2), 23.65 (1), 29.011 (2), 29.921
 2 (5), 29.924 (1), 29.924 (2), 29.924 (3), 29.924 (4), 29.931 (1), 29.931 (2) (a), 29.931
 3 (2) (b), 29.934 (1) (a), 29.934 (2) and 350.10 (1) (f); and *to create* 23.86, 29.921
 4 (4m), 814.75 (17m), 814.77 (10m), 814.80 (13m) and 943.13 (3g) of the statutes;
 5 **relating to:** the authority of the Department of Natural Resources to enforce
 6 certain violations of the trespass law; revocation, suspension, and denial of
 7 certain approvals and privileges relating to wild animals and plants for certain
 8 violations of the trespass law; the imposition of a surcharge on a forfeiture for
 9 certain violations of the trespass law; ~~service outside the state of forfeiture~~
 10 ~~citations issued for violations of certain natural resources laws; title to wild~~
 11 ~~animals; operation of snowmobiles and all-terrain vehicles on land without~~
 12 ~~permission; and providing a penalty.~~

(DNR)
INS
REL

Analysis by the Legislative Reference Bureau

Current law grants the Department of Natural Resources (DNR) and its wardens enforcement authority to enforce fish and game laws, laws relating to

INS
AML

ASSEMBLY BILL 409

boating and snowmobiling, other conservation laws, and certain other laws relating to the use of dangerous weapons regardless of where the violations of any of these laws are committed. This bill expands this authority to cover violations of the land trespass law when the trespass is committed by a person engaged in an activity that involves hunting, fishing, trapping, cutting timber, snowmobiling, and other outdoor recreational or natural resources activities regulated by laws administered by DNR (natural resources activities).

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For a violation of the trespass law while a person is engaged in natural resource activities, the bill authorizes a court to revoke or suspend for up to three years all hunting, fishing, and trapping licenses issued to the violator and all other approvals issued to, and privileges enjoyed by, the violator that relate to the wild animals found in the wild and wild plants and that relate to the hunting and trapping of captive wildlife. The bill requires a court to revoke all of these licenses, approvals, and privileges, and prohibit the issuance of such licenses and approvals, for a period of five years if the violator is convicted of a crime that was committed at the same time as the trespass violation.

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The bill requires a court to impose a surcharge for a trespass violation that is committed by a person engaged in natural resource activities. The surcharge imposed equals 35 percent of the amount of the forfeiture for the trespass violation. Under the bill, the surcharge is used for certain DNR enforcement activities.

The bill expands the prohibition under the laws regulating the operation of all-terrain vehicles and snowmobiles on land without the consent of the owner or lessee to include all land, not just private land.

Finally, the bill allows the service by mail of citations to persons outside the state for violations of certain natural resources laws.

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:

1 SECTION 1. 23.33 (3) (c) of the statutes is amended to read:

2 23.33 (3) (c) On the private property of another without the consent of the
3 owner or lessee. Failure to post private such property does not imply consent for
4 all-terrain vehicle use.

5 SECTION 2. 23.50 (1) of the statutes is amended to read:

6 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
7 court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814,

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ASSEMBLY BILL 409

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1 for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5),
2 283.33, 285.57 (2), 285.59 (2), (3) (c), and (4), 287.07, 287.08, 287.81, and 299.64 (2),
3 subch. VI of ch. 77, this chapter, and chs. 26 to 31, ch. 169, and ch. 350, and any
4 administrative rules promulgated thereunder, violations specified under s. 285.86,
5 violations of s. 943.13 pursuant to s. 29.921 (4m), violations of ch. 951 if the animal
6 involved is a captive wild animal, violations of rules of the Kickapoo reserve
7 management board under s. 41.41 (7) (k), violations to which s. 299.85 (7) (a) 2. or
8 4. applies, or violations of local ordinances enacted by any local authority in
9 accordance with s. 23.33 (11) (am) or 30.77.

10 **SECTION 3.** 23.62 (2) of the statutes is amended to read:

11 23.62 (2) A citation may be issued or served anywhere in the state by delivering
12 a copy to the defendant personally or it shall be served by leaving a copy at the
13 defendant's usual place of abode with a person of discretion residing therein or by
14 mailing a copy to the defendant's last-known address. A citation may be issued or
15 served outside the state by mailing a copy to the defendant's last-known address.

16 It shall be issued or served by a law enforcement officer.

17 **SECTION 4.** 23.65 (1) of the statutes is amended to read:

18 23.65 (1) When it appears to the district attorney that a violation of s. 90.21,
19 134.60, 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c), and (4), 287.07, 287.08,
20 287.81, or 299.64 (2), this chapter or ch. 26, 27, 28, 29, 30, 31, 169, or 350, or any
21 administrative rule promulgated pursuant thereto, a violation specified under s.
22 285.86, violations of s. 943.13 pursuant to s. 29.921 (4m), or a violation of ch. 951, if
23 the animal involved is a captive wild animal, has been committed the district
24 attorney may proceed by complaint and summons.

25 **SECTION 5.** 23.86 of the statutes is created to read:

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ASSEMBLY BILL 409

SECTION 5

1 **23.86 Natural resources trespass surcharge.** (1) LEVY OF NATURAL
 2 RESOURCES TRESPASS SURCHARGE. (a) If a court imposes a forfeiture for a violation of
 3 s. 943.13 that a person commits while engaged in an activity regulated under this
 4 chapter or ch. 26, 27, 28, 29, 169, or 350, the court shall impose a natural resources
 5 trespass surcharge under ch. 814 equal to 35 percent of the amount of the forfeiture.

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6 (b) If a forfeiture is suspended in whole or in part, the natural resources
 7 trespass surcharge shall be reduced in proportion to the suspension.

8 (c) If any deposit is made for an offense to which this section applies, the person
 9 making the deposit shall also deposit a sufficient amount to include the natural
 10 resources trespass surcharge under this section. If the deposit is forfeited, the
 11 amount of the natural resources trespass surcharge shall be transmitted to the
 12 secretary of administration under par. (d). If the deposit is returned, the natural
 13 resources trespass surcharge shall also be returned.

14 (d) The clerk of the court shall collect and transmit to the county treasurer the
 15 natural resources trespass surcharge and other amounts required under s. 59.40 (2)
 16 (m). The county treasurer shall then make payment to the secretary of
 17 administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall
 18 deposit the amount of the natural resources trespass surcharge into the conservation
 19 fund.

20 **(2) USE OF NATURAL RESOURCES TRESPASS SURCHARGE FUNDS.** All moneys collected
 21 from natural resources trespass surcharges shall be credited to the appropriation
 22 under s. 20.370 (3) (mu).

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23 **SECTION 6.** 29.011 (2) of the statutes is amended to read:
 24 29.011 (2) The legal title to a wild animal or carcass, taken or reduced to
 25 possession in violation of this chapter, remains in the state. The title to a wild animal

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ASSEMBLY BILL 409

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1 or carcass, lawfully acquired, is subject to the condition that upon the violation of this
 2 chapter ~~the laws of this state relating to the possession, use, giving, sale, barter or~~
 3 transportation of a wild animal or carcass by the owner, the ownership shall revert,
 4 as a result of the violation, to the state.

5 SECTION ~~7~~ 29.921 (4m) of the statutes is created to read:

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6 29.921 (4m) TRESPASS. The department and its wardens may execute and serve
 7 warrants and processes issued for a violation of s. 943.13, if the violation was done
 8 while the person was engaged in an activity regulated under this chapter or ch. 23,
 9 26, 27, 28, 169, or 350, in the same manner as any constable may serve and execute
 10 the process; and may arrest, with or without a warrant, any person detected in the
 11 actual violation, or whom the warden has probable cause to believe is guilty of such
 12 a violation, and may take the person before any court in the county where the
 13 violation was committed and make a proper complaint. For the purpose of enforcing
 14 any of the laws of this state, any warden may stop and board any boat and stop any
 15 vehicle, if the warden reasonably suspects there is a violation of the law.

16 SECTION ~~8~~ 29.921 (5) of the statutes is amended to read:

17 29.921 (5) ADDITIONAL ARREST POWERS. In addition to the arrest powers under
 18 ~~sub.~~ subs. (1) and (4m), a warden who has completed a program of law enforcement
 19 training approved by the law enforcement standards board, has been certified as
 20 qualified to be a law enforcement officer under s. 165.85 (4) (b) 1. and has complied
 21 with any applicable requirements under s. 165.85 (4) (bn) 1. while on duty and in
 22 uniform or on duty and upon display of proper credentials may assist another law
 23 enforcement agency as defined under s. 165.83 (1) (b) including making an arrest at
 24 the request of the agency, may arrest a person pursuant to an arrest warrant
 25 concerning the commission of a felony or may arrest a person who has committed a

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ASSEMBLY BILL 409

SECTION 8

1 crime in the presence of the warden. If the warden makes an arrest without the
2 presence of another law enforcement agency, the warden shall cause the person
3 arrested to be delivered to the chief of police or sheriff in the jurisdiction where the
4 arrest is made, along with the documents and reports pertaining to the arrest. The
5 warden shall be available as a witness for the state. A warden may not conduct
6 investigations for violations of state law except as authorized in ss. 23.11 (4), 29.924
7 (1) and 41.41 (12). A warden acting under the authority of this subsection is
8 considered an employee of the department and is subject to its direction, benefits and
9 legal protection. The authority granted in this section does not apply to county
10 conservation wardens or special conservation wardens.

11 **SECTION 9.** 29.924 (1) of the statutes is amended to read:

12 29.924 (1) INVESTIGATIONS. ~~The department and its wardens shall, upon~~ Upon
13 receiving notice or information of the violation of any of the laws cited ins. for which
14 the department and its wardens have enforcement authority under s. 29.921 (1), to
15 (4m), the department and its wardens shall as soon as possible make a thorough
16 investigation and institute proceedings if the evidence warrants it.

17 **SECTION 10.** 29.924 (2) of the statutes is amended to read:

18 29.924 (2) DRIVING WITHOUT HEADLIGHTS. In the performance of their law
19 enforcement duties, wardens may operate motor vehicles owned or leased by the
20 department upon a highway, other than an interstate, a state trunk highway or any
21 highway within the limits of any incorporated area, during hours of darkness
22 without lighted headlamps, tail lamps or clearance lamps, contrary to s. 347.06, if
23 the driving will aid in the accomplishment of a lawful arrest for violation of this
24 chapter any of the laws for which the department and its wardens have enforcement
25 authority under s. 29.921 (1) to (4m) or in ascertaining whether a violation of this

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1 chapter these laws has been or is about to be committed. Any civil action or
2 proceeding brought against any warden operating a motor vehicle under this
3 subsection is subject to ss. 893.82 and 895.46.

4 SECTION ~~11~~. 29.924 (3) of the statutes is amended to read:

5 29.924 (3) OPENING PACKAGES. The department and its wardens may examine
6 and open any package in the possession of a common carrier which they have
7 probable cause to believe contains wild animals, or carcasses, in violation of this
8 ~~chapter, or carcasses,~~ any of the laws for which the department and its wardens have
9 enforcement authority under s. 29.921 (1) to (4m), or is falsely labeled in violation
10 of ~~this chapter~~ these laws. Each common carrier and its agent or employee shall
11 permit the officer to examine and open the package. Any opened package shall be
12 restored to its original condition.

13 SECTION ~~12~~. 29.924 (4) of the statutes is amended to read:

14 29.924 (4) ACCESS TO STORAGE PLACES. The owner or occupant of any
15 cold-storage warehouse or building used for the storage or retention of wild animals,
16 or their carcasses, that are subject to regulation under ~~this chapter~~ any of the laws
17 for which the department and its wardens have enforcement authority under s.
18 29.921 (1) to (4m) shall permit the department and its wardens to enter and examine
19 the premises subject to s. 66.0119. The owner or occupant, or the agent or employee
20 of the owner or occupant, shall deliver to the officer any such wild animal or carcass,
21 in his or her possession during the closed season, whether taken within or without
22 the state

23 SECTION ~~13~~. 29.931 (1) of the statutes is amended to read:

24 29.931 (1) SEIZURE AND CONFISCATION OF WILD ANIMALS OR PLANTS. The
25 department and its wardens shall seize and confiscate any wild animal, carcass or



ASSEMBLY BILL 409

SECTION 13

1 plant caught, killed, taken, had in possession or under control, sold or transported
2 in violation of ~~this chapter or ch. 169~~ any of the laws for which the department and
3 its wardens have enforcement authority under s. 29.921 (1) to (4m). The officer may,
4 with or without warrant, open, enter and examine all buildings, camps, boats on
5 inland or outlying waters, vehicles, valises, packages and other places where the
6 officer has probable cause to believe that wild animals, carcasses or plants, taken or
7 held in violation of ~~this chapter or ch. 169~~ these laws, are to be found.

8 ~~SECTION 14.~~ 29.931 (2) (a) of the statutes is amended to read:

9 29.931 (2) (a) The department and its wardens shall seize and hold, subject to
10 the order of the court for the county in which the alleged offense was committed, any
11 vehicle, boat or object declared by this chapter to be a public nuisance, or which they
12 have probable cause to believe is being used in violation of ~~this chapter or ch. 169 or~~
13 ~~s. 167.31, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, is being used in the~~
14 ~~commission of a crime involving an animal normally found in the wild in violation~~
15 ~~of s. 951.09, or is being used in the commission of a crime relating to a submerged~~
16 ~~cultural resource in violation of s. 44.47~~ any of the laws for which the department and
17 its wardens have enforcement authority under s. 29.921 (1) to (4m). If it is proven
18 that the vehicle, boat or object is a public nuisance or that within 6 months previous
19 to the seizure the vehicle, boat or object was used in violation of ~~this chapter or ch.~~
20 ~~169 or s. 167.31, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, was used in the~~
21 ~~commission of a crime involving an animal normally found in the wild in violation~~
22 ~~of s. 951.09, or was used in the commission of a crime relating to a submerged cultural~~
23 ~~resource in violation of s. 44.47~~ any of the laws for which the department and its
24 wardens have enforcement authority under s. 29.921 (1) to (4m), it shall be
25 confiscated if the court directs in its order for judgment.

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1 SECTION ~~15~~ 29.931 (2) (b) of the statutes is amended to read:

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

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5 SECTION ~~16~~ 29.934 (1) (a) of the statutes is amended to read:

6 29.934 (1) (a) All wild animals, carcasses ^{am} or plants, vehicles, boats, or objects
7 that are not destroyed as authorized by law and that are confiscated by the
8 department for a violation of ~~this chapter or ch. 169~~ and all vehicles, boats or objects
9 confiscated by the department for a violation of this chapter or ch. 169 shall, if not
10 destroyed as authorized by law, any of the laws for which the department and its
11 wardens have enforcement authority under s. 29.921 (1) to (4m) shall be sold at the
12 highest price obtainable, except as provided in ^{ss.} ~~s. 29.936~~ ^{and 29.938}, by the department, or by
13 an agent on commission under supervision of the department. The net proceeds of
14 sales under this subsection, after deducting the expense of seizure and sale and any
15 commissions and any amounts owing to holders of security interests under par. (c)
16 or (d), shall be remitted to the department. The remittance shall be accompanied by
17 a report of the sales, supported by vouchers for expenses and commissions, and shall
18 be filed with the department.

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19 SECTION 17. 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 resold

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SECTION 17

1 or exchanged, in whole or in part, to any other person, except as provided in sub. (3)
2 or as authorized by the department.

3 **SECTION 18.** 350.10 (1) (f) of the statutes is amended to read:

4 350.10 (1) (f) On the private property of another without the consent of the
5 owner or lessee. Failure to post private such property does not imply consent for
6 snowmobile use. Any other motor-driven craft or vehicle principally manufactured
7 for off-highway use shall at all times have the consent of the owner before operation
8 of such craft or vehicle on private lands of another.

9 **SECTION 19.** 814.75 (17m) of the statutes is created to read:

10 814.75 (17m) The natural resources trespass surcharge.

11 **SECTION 20.** 814.77 (10m) of the statutes is created to read:

12 814.77 (10m) The natural resources trespass surcharge under s. 23.86.

13 **SECTION 21.** 814.80 (13m) of the statutes is created to read:

14 814.80 (13m) The natural resources trespass surcharge.

15 **SECTION 22.** 943.13 (3g) of the statutes is created to read:

16 943.13 (3g) (a) The department of natural resources may follow the procedures
17 for the issuance of a citation under ss. 23.50 to 23.99 to collect a forfeiture for a
18 violation of this section pursuant to s. 29.921 (4m).

19 (b) If a person is convicted of a violation of this section while engaged in an
20 activity regulated under ch. 23, 26, 27, 28, 29, 169, or 350, the court may revoke or
21 suspend any or all approvals and privileges granted to the person under ch. 29, and
22 may revoke or suspend any or all licenses and privileges granted to the person under
23 ch. 169 that relate to hunting or trapping, for a period of not more than 3 years from
24 the date of conviction.

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ASSEMBLY BILL 409

1 (c) If a person is convicted of a violation of this section while engaged in an
2 activity regulated under ch. 23, 26, 27, 28, 29, 169, or 350 and the person has been
3 convicted of a crime while engaged in such activity arising from the same incident
4 or occurrence, the court shall do all of the following:

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5 1. Revoke all approvals and privileges granted to the person under ch. 29 and
6 revoke all licenses and privileges granted to the person under ch. 169 that relate to
7 hunting or trapping.

8 2. Prohibit the issuance to the person of any approvals under ch. 29, and the
9 issuance to the person of any licenses under ch. 169 that relate to hunting or
10 trapping, for a period of 5 years from the date of conviction.

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END

11 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-27757/dn

MGG:.....

WLJ

*for this
draft*

As requested, based on my conversation with you, I have included the provisions from 2005 Assembly Bill 409 concerning DNR enforcement authority for trespass violations. Two provisions in AB 409 are different than those provided me in the drafting instructions. Compare s. 29.934 (1) (a) and (2) in this draft and in AB409. I have used the version provided me in the drafting instructions as the basis for this draft to the extent possible. Please call me if you want to discuss any changes.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2775/1dn
MGG:wlj:rs

June 16, 2005

As requested, based on my conversation with you, I have included the provisions from 2005 Assembly Bill 409 concerning DNR enforcement authority for trespass violations. Two provisions in AB-409 are different from those provided me in the drafting instructions for this draft. Compare s. 29.934 (1) (a) and (2) in this draft and in AB-409. I have used the version provided me in the drafting instructions as the basis for this draft to the extent possible. Please call me if you want to discuss any changes.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

From: Bruhn, Mike
Sent: Tuesday, June 21, 2005 3:54 PM
To: Gibson-Glass, Mary
Subject: LRB 2775-1.doc

Mary,

Attached is the Department of Natural Resources recommended changes to LRB 2775. As you can see, they've decided that the trespass issue does not need to be included in this Legislation. If you have any questions, please feel free to call me at 266-3363.

Thanks,

Mike Bruhn
Rep. Gunderson's office



LRB 2775-1.doc

take out ~~strip in~~ 5. 29.294 (1) to (3) ⁽⁴⁾
and ~~29.931 (1) and (2)(a)~~
just that is needed for sale
by DNR of pelt