

**RECOMMENDED  
MODIFICATIONS TO  
THIS DRAFT BILL**

LRB-2775/1  
MGG:wlj:rs

**2005 - 2006 LEGISLATURE  
2005 BILL**

**AN ACT to repeal** 29.934 (3); **to amend** 20.370 (1) (Lq), ~~23.50 (1), 23.65 (1)~~, 29.541 (1) (a) (intro.), 29.921 (5), 29.924 (1), 29.924 (2), 29.924 (3), 29.924 (4), 29.931 (1), 29.931 (2) (a), 29.931 (2) (b), 29.934 (1) (a), 29.934 (2) and 968.20 (3); and **to create** ~~23.86~~, 29.597 (7), ~~29.921 (4m)~~, 29.938, ~~814.75 (17m)~~, ~~814.77 (10m)~~, ~~814.80 (13m)~~ and ~~943.13 (3g)~~ of the statutes; **relating to:** the authority of the Department of Natural Resources (DNR) to enforce certain violations of the trespass law; revocation, suspension, and denial of certain approvals and privileges relating to wild animals and plants for certain violations of the trespass law; the imposition of a surcharge on a forfeiture for certain violations of the trespass law; the use by the DNR of seized, confiscated, or unclaimed property for educational hunting, fishing, trapping, and other conservation activities; and the receipt of proceeds by the DNR for skins of fur-bearing animals that are prepared as part of the course of instruction under the trapper education program; and providing a penalty.

***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 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).

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 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 to 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.

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. Under current law, DNR receives proceeds from the sale of pelts that are

~~prepared during instruction under the trapper education program established by DNR and deposits the proceeds into the conservation fund. Under this bill, these proceeds are specifically credited to an appropriation to provide funds for the trapper education program.~~

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:*

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

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

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

23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814, for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (e), and (4), 287.07, 287.08, 287.81, and 299.64 (2), subch. VI of ch. 77, this chapter, and chs. 26 to 31, ch. 169, and ch. 350, and any administrative rules promulgated thereunder, violations specified under s. 285.86, violations of s. 943.13 pursuant to s. 29.921 (4m), violations of ch. 951 if the animal involved is a captive wild animal, violations of rules of the Kickapoo reserve management board under s. 41.41 (7) (k), violations to which s. 299.85 (7) (a) 2. or 4. applies, or violations of local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

SECTION 3. 23.65 (1) of the statutes is amended to read:

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

SECTION 4. 23.86 of the statutes is created to read:

**23.86 Natural resources trespass surcharge. (1) LEVY OF NATURAL RESOURCES TRESPASS SURCHARGE.** (a) If a court imposes a forfeiture for a violation of

s. 943.13 that a person commits while engaged in an activity regulated under this chapter or ch. 26, 27, 28, 29, 169, or 350, the court shall impose a natural resources trespass surcharge under ch. 814 equal to 35 percent of the amount of the forfeiture.

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

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

(d) The clerk of the court shall collect and transmit to the county treasurer the natural resources trespass surcharge and other amounts required under s. 59.40 (2)

(m). The county treasurer shall then make payment to the secretary of administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall deposit the amount of the natural resources trespass surcharge into the conservation fund.

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

SECTION 5. 29.541 (1) (a) (intro.) of the statutes is amended to read:

29.541 (1) (a) (intro.) ~~No~~ **Except as authorized by the department, no** innkeeper, manager or steward of any restaurant, club, hotel, boarding house, tavern, logging camp or mining camp may sell, barter, serve or give, or cause to be sold, bartered, served or given, to its guests or boarders any of the following:

SECTION 6. 29.597 (7) of the statutes is created to read:

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

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

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

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

29.921 (5) ADDITIONAL ARREST POWERS. In addition to the arrest powers under ~~sub. subs. (1) and (4) (4m)~~, a warden who has completed a program of law enforcement training approved by the law enforcement standards board, has been certified as qualified to be a law enforcement officer under s. 165.85 (4) (b) 1. and has complied with any applicable requirements under s. 165.85 (4) (bn) 1. while on duty and in uniform or on duty and upon display of proper credentials may assist another law enforcement agency as defined under s. 165.83 (1) (b) including making an arrest at the request of the agency, may arrest a person pursuant to an arrest warrant concerning the commission of a felony or may arrest a person who has committed a crime in the presence of the warden. If the warden makes an arrest without the presence of another law enforcement agency, the warden shall cause the person arrested to be delivered to the chief of police or sheriff in the jurisdiction where the arrest is made, along with the documents and reports pertaining to the arrest. The warden shall be available as a witness for the state. A warden may not conduct investigations for violations of state law except as authorized in ss. 23.11 (4), 29.924 (1) and 41.41 (12). A warden acting under the authority of this subsection is considered an employee of the department and is subject to its direction, benefits and legal protection. The authority granted in this section does not apply to county conservation wardens or special conservation wardens.

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

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

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

29.924 (2) DRIVING WITHOUT HEADLIGHTS. In the performance of their law enforcement duties, wardens may operate motor vehicles owned or leased by the department upon a highway, other than an interstate, a state trunk highway or any highway within the limits of any incorporated area, during hours of darkness without lighted headlamps, tail lamps or clearance lamps, contrary to s. 347.06, if the driving will aid in the accomplishment of a lawful arrest for violation of ~~this chapter~~ any of the laws for which the department and its wardens have enforcement authority under s. 29.921 (1) to (4) (4m) or in ascertaining whether a violation of ~~this chapter~~ these laws has been or is about to be committed. Any civil action or proceeding brought against any warden operating a motor vehicle under this subsection is subject to ss. 893.82 and 895.46.

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

29.924 (3) OPENING PACKAGES. The department and its wardens may examine and open any package in the possession of a common carrier which they have probable cause to believe contains wild animals, or carcasses, in violation of ~~this chapter~~ any of the laws for which the department and its wardens have enforcement

authority under s. 29.921 (1) to (4) (4m), or is falsely labeled in violation of ~~this chapter~~ these laws. Each common carrier and its agent or employee shall permit the officer to examine and open the package. Any opened package shall be restored to its original condition.

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

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

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

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

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

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

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

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

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

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

SECTION 17. 29.934 (2) of the statutes is amended to read:

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

SECTION 18. 29.934 (3) of the statutes is repealed.

SECTION 19. 29.938 of the statutes is created to read:

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

- (1) Property seized or confiscated under this chapter ~~or chs. 169~~ **or 951 or ss. 167.31 or 943.13.**
- (2) Property turned over to the department under s. 968.20 (3).
- (3) Personal property that is in the possession of the department and that is lost, abandoned, or not claimed by its owner.

~~SECTION 20. 814.75 (17m) of the statutes is created to read:~~

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

~~SECTION 21. 814.77 (10m) of the statutes is created to read:~~

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

~~SECTION 22. 814.80 (13m) of the statutes is created to read:~~

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

~~SECTION 23. 943.13 (3g) of the statutes is created to read:~~

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

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

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

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

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

**SECTION 24. 968.20 (3) of the statutes is amended to read:**

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

destruction, shoulder weapons for which the laboratories have no use shall be turned over to the department of natural resources for sale and distribution of proceeds under s. 29.934 **or for use under s. 29.938.**

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

(END)



**Schlueter, Ron**

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**From:** Hanaman, Cathlene  
**Sent:** Friday, June 24, 2005 1:43 PM  
**To:** Schlueter, Ron

Nonstats--start p. 926, line 18.  
Appropriation changes--start p. 1016, line 4  
Initial App--start p. 1029, line 5  
Effective date--start p. 1042, line 4

*[Handwritten notes in left margin, including names like 'Ron', 'Cathlene', and various illegible scribbles.]*

2 RMR

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D-Note

2005 BILL

Regan

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 6 Department of Natural Resources (DNR) to enforce certain violations of the  
 7 trespass law; revocation, suspension, and denial of certain approvals and  
 8 privileges relating to wild animals and plants for certain violations of the  
 9 trespass law; the imposition of a surcharge on a forfeiture for certain violations  
 10 of the trespass law; the use <sup>SIET</sup> by the ~~DNR~~ of seized, confiscated, or unclaimed  
 11 property for educational hunting, fishing, trapping, and other conservation  
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perishable  
property

by the

the sale of seized and confiscated ~~skins and game~~ wild animals and carcasses by the Department of Natural Resources

Department of Natural Resources

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2 education program; ~~and providing a penalty.~~

***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 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).

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 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 to 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.

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.

Under current law, DNR receives proceeds from the sale of pelts that are prepared during instruction under the trapper education program established by DNR and deposits the proceeds into the conservation fund. Under this bill, these proceeds are specifically credited to an appropriation to provide funds for the trapper education program.

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 Department of Natural Resources*

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

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

**BILL**

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

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

8           23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit  
9 court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814,  
10 for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5),  
11 283.33, 285.57 (2), 285.59 (2), (3) (c), and (4), 287.07, 287.08, 287.81, and 299.64 (2),  
12 subch. VI of ch. 77, this chapter, and chs. 26 to 31, ch. 169, and ch. 350, and any  
13 administrative rules promulgated thereunder, violations specified under s. 285.86,  
14 violations of s. 943.13 pursuant to s. 29.921 (4m), violations of ch. 951 if the animal  
15 involved is a captive wild animal, violations of rules of the Kickapoo reserve  
16 management board under s. 41.41 (7) (k), violations to which s. 299.85 (7) (a) 2. or  
17 4. applies, or violations of local ordinances enacted by any local authority in  
18 accordance with s. 23.33 (11) (am) or 30.77.

19           **SECTION 3.** 23.65 (1) of the statutes is amended to read:

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

**BILL**

1 the animal involved is a captive wild animal, has been committed the district  
2 attorney may proceed by complaint and summons.

3 **SECTION 4.** 23.86 of the statutes is created to read:

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

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

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

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

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

**BILL**

1           **SECTION 5.** 29.541 (1) (a) (intro.) of the statutes is amended to read:

2           29.541 (1) (a) (intro.) ~~No Except as authorized by the department, no innkeeper,~~  
3           manager or steward of any restaurant, club, hotel, boarding house, tavern, logging  
4           camp or mining camp may sell, barter, serve or give, or cause to be sold, bartered,  
5           served or given, to its guests or boarders any of the following:

6           ~~**SECTION 6.**~~ 29.597 (7) of the statutes is created to read:

7           29.597 (7) PROCEEDS FROM THE SALE OF SKINS. The department may sell, either  
8           directly or by an agent under supervision of the department, skins that are prepared  
9           as a part of the course of instruction under the trapper education program. Any  
10          proceeds that the department receives from the sale of these skins shall be credited  
11          to the appropriation account under s. 20.370 (1) (Lq).

12          **SECTION 7.** 29.921 (4m) of the statutes is created to read:

13          29.921 (4m) TRESPASS. The department and its wardens may execute and serve  
14          warrants and processes issued for a violation of s. 943.13, if the violation was done  
15          while the person was engaged in an activity regulated under this chapter or ch. 23,  
16          26, 27, 28, 169, or 350, in the same manner as any constable may serve and execute  
17          the process; and may arrest, with or without a warrant, any person detected in the  
18          actual violation, or whom the warden has probable cause to believe is guilty of such  
19          a violation, and may take the person before any court in the county where the  
20          violation was committed and make a proper complaint. For the purpose of enforcing  
21          any of the laws of this state, any warden may stop and board any boat and stop any  
22          vehicle, if the warden reasonably suspects there is a violation of the law.

23          **SECTION 8.** 29.921 (5) of the statutes is amended to read:

24          29.921 (5) ADDITIONAL ARREST POWERS. In addition to the arrest powers under  
25          sub. subs. (1) and (4m), a warden who has completed a program of law enforcement

INS  
5-5

**BILL**

1 training approved by the law enforcement standards board, has been certified as  
2 qualified to be a law enforcement officer under s. 165.85 (4) (b) 1. and has complied  
3 with any applicable requirements under s. 165.85 (4) (bn) 1. while on duty and in  
4 uniform or on duty and upon display of proper credentials may assist another law  
5 enforcement agency as defined under s. 165.83 (1) (b) including making an arrest at  
6 the request of the agency, may arrest a person pursuant to an arrest warrant  
7 concerning the commission of a felony or may arrest a person who has committed a  
8 crime in the presence of the warden. If the warden makes an arrest without the  
9 presence of another law enforcement agency, the warden shall cause the person  
10 arrested to be delivered to the chief of police or sheriff in the jurisdiction where the  
11 arrest is made, along with the documents and reports pertaining to the arrest. The  
12 warden shall be available as a witness for the state. A warden may not conduct  
13 investigations for violations of state law except as authorized in ss. 23.11 (4), 29.924  
14 (1) and 41.41 (12). A warden acting under the authority of this subsection is  
15 considered an employee of the department and is subject to its direction, benefits and  
16 legal protection. The authority granted in this section does not apply to county  
17 conservation wardens or special conservation wardens.

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

19 29.924 (1) INVESTIGATIONS. ~~The department and its wardens shall, upon~~ Upon  
20 receiving notice or information of the violation of any of the laws cited ins. for which  
21 the department and its wardens have enforcement authority under s. 29.921 (1), to  
22 (4m), the department and its wardens shall as soon as possible make a thorough  
23 investigation and institute proceedings if the evidence warrants it.

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

**BILL**

1           29.924 (2) DRIVING WITHOUT HEADLIGHTS. In the performance of their law  
2 enforcement duties, wardens may operate motor vehicles owned or leased by the  
3 department upon a highway, other than an interstate, a state trunk highway or any  
4 highway within the limits of any incorporated area, during hours of darkness  
5 without lighted headlamps, tail lamps or clearance lamps, contrary to s. 347.06, if  
6 the driving will aid in the accomplishment of a lawful arrest for violation of ~~this~~  
7 ~~chapter~~ any of the laws for which the department and its wardens have enforcement  
8 authority under s. 29.921 (1) to (4m) or in ascertaining whether a violation of ~~this~~  
9 ~~chapter~~ these laws has been or is about to be committed. Any civil action or  
10 proceeding brought against any warden operating a motor vehicle under this  
11 subsection is subject to ss. 893.82 and 895.46.

12           **SECTION 11.** 29.924 (3) of the statutes is amended to read:

13           29.924 (3) OPENING PACKAGES. The department and its wardens may examine  
14 and open any package in the possession of a common carrier which they have  
15 probable cause to believe contains wild animals, or carcasses, in violation of ~~this~~  
16 ~~chapter, or carcasses,~~ any of the laws for which the department and its wardens have  
17 enforcement authority under s. 29.921 (1) to (4m), or is falsely labeled in violation  
18 of ~~this chapter~~ these laws. Each common carrier and its agent or employee shall  
19 permit the officer to examine and open the package. Any opened package shall be  
20 restored to its original condition.

21           **SECTION 12.** 29.924 (4) of the statutes is amended to read:

22           29.924 (4) ACCESS TO STORAGE PLACES. The owner or occupant of any  
23 cold-storage warehouse or building used for the storage or retention of wild animals,  
24 or their carcasses, that are subject to regulation under ~~this chapter~~ any of the laws  
25 for which the department and its wardens have enforcement authority under s.



**BILL****SECTION 12**

1 29.921 (1) to (4m) shall permit the department and its wardens to enter and examine  
2 the premises subject to s. 66.0119. The owner or occupant, or the agent or employee  
3 of the owner or occupant, shall deliver to the officer any such wild animal or carcass,  
4 in his or her possession during the closed season, whether taken within or without  
5 the state

6 **SECTION 13.** 29.931 (1) of the statutes is amended to read:

7 29.931 (1) SEIZURE AND CONFISCATION OF WILD ANIMALS OR PLANTS. The  
8 department and its wardens shall seize and confiscate any wild animal, carcass or  
9 plant caught, killed, taken, had in possession or under control, sold or transported  
10 in violation of ~~this chapter or ch. 169~~ any of the laws for which the department and  
11 its wardens have enforcement authority under s. 29.921 (1) to (4m). The officer may,  
12 with or without warrant, open, enter and examine all buildings, camps, boats on  
13 inland or outlying waters, vehicles, valises, packages and other places where the  
14 officer has probable cause to believe that wild animals, carcasses or plants, taken or  
15 held in violation of ~~this chapter or ch. 169~~ these laws, are to be found.

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

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

**BILL**

1 that the vehicle, boat or object is a public nuisance or that within 6 months previous  
 2 to the seizure the vehicle, boat or object was used in violation of ~~this chapter or ch.~~  
 3 ~~169 or s. 167.31, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61~~, was used in the  
 4 commission of a crime involving an animal normally found in the wild in violation  
 5 of s. 951.09, or was used in the commission of a crime relating to a submerged cultural  
 6 resource in violation of s. 44.47 any of the laws for which the department and its  
 7 wardens have enforcement authority under s. 29.921 (1) to (4m), it shall be  
 8 confiscated if the court directs in its order for judgment.

9 → **SECTION 15.** 29.931 (2) (b) of the statutes is amended to read:

10 29.931 (2) (b) Any perishable property seized by the department or its wardens  
 11 under this section may be sold at the highest available price, and the proceeds of the  
 12 sale turned into court for disposition as the <sup>STAT</sup> court directs. PLAIN

13 **SECTION 16.** 29.934 (1) (a) of the statutes is amended to read: PLAIN

14 29.934 (1) (a) All wild animals, carcasses ~~or~~ plants, vehicles, boats, or objects  
 15 that are confiscated by the department for a violation of this chapter or ch. 169 and  
 16 all vehicles, boats or objects confiscated by the department for a violation of this  
 17 chapter or ch. 169, shall, if not destroyed as authorized by law, any of the laws for  
 18 which the department and its wardens have enforcement authority under s. 29.921  
 19 (1) to (4m) shall be sold at the highest price obtainable, except as provided in ss.  
 20 29.936 and 29.938, by the department, or by an agent on commission under  
 21 supervision of the department. The net proceeds of sales under this subsection, after  
 22 deducting the expense of seizure and sale and any commissions and any amounts  
 23 owing to holders of security interests under par. (c) or (d), shall be remitted to the  
 24 department. The remittance shall be accompanied by a report of the sales, supported  
 25 by vouchers for expenses and commissions, and shall be filed with the department.

**BILL**

**SECTION 17**

**SECTION 17.** 29.934 (2) of the statutes is amended to read:

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

PLAIN

**SECTION 18.** 29.934 (3) of the statutes is repealed.

~~**SECTION 19.**~~ 29.938 of the statutes is created to read:

**29.938 Use by the department of unclaimed, seized, or confiscated property.** The department may <sup>receive</sup> retain and use any of the following property for the education programs under s. 29.591, the trapper education program under s. 29.597, <sup>the department conducts</sup> or other educational hunting, fishing, trapping, or conservation activities <sup>conducted</sup> ~~by the department~~ <sup>for violations of 50167031 or 9430131</sup>

- (1) Property seized or confiscated ~~under~~ <sup>STET</sup> this chapter <sup>or ch. 169</sup> or ch. 169.
- (2) Property turned over to the department under s. 968.20 (3).
- (3) Personal property that is in the possession of the department and that is lost, abandoned, or not claimed by its owner.

**SECTION 20.** 814.75 (17m) of the statutes is created to read:

814.75 (17m) The natural resources trespass surcharge.

**SECTION 21.** 814.77 (10m) of the statutes is created to read:

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

**SECTION 22.** 814.80 (13m) of the statutes is created to read:

814.80 (13m) The natural resources trespass surcharge.

INS 10-9

**BILL**

1           **SECTION 23.** 943.13 (3g) of the statutes is created to read:

2           943.13 (3g) (a) The department of natural resources may follow the procedures  
3 for the issuance of a citation under ss. 23.50 to 23.99 to collect a forfeiture for a  
4 violation of this section pursuant to s. 29.921 (4m).

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

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

15           1. Revoke all approvals and privileges granted to the person under ch. 29 and  
16 revoke all licenses and privileges granted to the person under ch. 169 that relate to  
17 hunting or trapping.

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

21           ~~SECTION 24.~~ 968.20 (3) of the statutes is amended to read:

22           968.20 (3) (a) First class cities shall dispose of dangerous weapons or  
23 ammunition seized 12 months after taking possession of them if the owner,  
24 authorized under sub. (1m), has not requested their return and if the dangerous  
25 weapon or ammunition is not required for evidence or use in further investigation

**BILL**

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

22 (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village, town or  
23 county or other custodian of a seized dangerous weapon or ammunition, if the  
24 dangerous weapon or ammunition is not required for evidence or use in further  
25 investigation and has not been disposed of pursuant to a court order at the

**BILL**

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

21 (END)

2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2775/2ins  
MGG:.....

LPS: Please check  
for extra spaces.

**Insert ANL**

Under current law, the Department of Natural Resources, <sup>(DNR)</sup> 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.

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.

1 **Insert 10-9 5-5**

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

3 29.541 (1) (a) (intro.) No Except as authorized under s. 29.934 (2), no innkeeper,  
4 manager or steward of any restaurant, club, hotel, boarding house, tavern, logging  
5 camp or mining camp may sell, barter, serve or give, or cause to be sold, bartered,  
6 served or given, to its guests or boarders any of the following:

7 **Insert 10-9**

8 **SECTION ~~2~~ 29.934 (1) (a) of the statutes is amended to read:**

9 29.934 (1) (a) All wild animals, carcasses ~~or~~, plants, vehicles, boats, or objects  
10 that are confiscated by the department for a violation of this chapter or ch. 169 and  
11 ~~all vehicles, boats or objects confiscated by the department for a violation of this~~  
12 ~~chapter or ch. 169~~ shall, if not destroyed as authorized by law, be sold at the highest  
13 price obtainable, except as provided in ss. 29.936 and 29.938, by the department, or  
14 by an agent on commission under supervision of the department. The net proceeds  
15 of sales under this subsection, after deducting the expense of seizure and sale and

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

History: 1975 c. 97, 199; 1981 c. 98 s. 3; 1993 a. 169; 1995 a. 79, 126, 225; 1997 a. 35; 1997 a. 248 ss. 113 to 115; Stats. 1997 s. 29.934; 1997 a. 285 s. 1; 1999 a. 32; 2001 a. 56, 109.

5 SECTION 3: 29.934 (2) of the statutes is amended to read:

6 29.934 (2) On any sales under this section of wild animals or carcasses, the  
7 department or the agent selling them shall issue to each purchaser a certificate, on  
8 forms prepared and furnished by the department, covering the sales. The wild  
9 animals or carcasses so purchased shall be consumed, resold, or otherwise disposed  
10 of by the purchaser within a period to be set by the department, ~~but may not be~~ <sup>OLA</sup> Any  
11 such wild animal or carcass may be resold or exchanged, in whole or in part, to any  
12 other another person, except as provided in sub. (3) only as authorized by the  
13 department.

LPS:  
Please  
check  
extra  
spaces.

History: 1975 c. 97, 199; 1981 c. 98 s. 3; 1993 a. 169; 1995 a. 79, 126, 225; 1997 a. 35; 1997 a. 248 ss. 113 to 115; Stats. 1997 s. 29.934; 1997 a. 285 s. 1; 1999 a. 32; 2001 a. 56, 109.

(CS) + (B) SECTION # . RP: 29934 (3) ✓





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

LRB-2775/2dn  
MGG:wlj:pg

June 30, 2005

This bill has been through several permutations under this LRB number and parts of different bills in the three previous legislative sessions. Please review this draft carefully to make certain it achieves your intent and that it is not too narrow or broad in scope. This draft now contains the following three topics:

1. Authorizing the sale of skins from the trapper education program and crediting the proceeds from the sale to the appropriation under s. 20.370 (1) (Lq).
2. Allowing DNR to receive, retain, and use unclaimed, confiscated, and seized property and weapons. As instructed, I have added cross-references to s. 167.31, ch. 951, and the trespass statute (s. 943.13). All other provisions dealing with the trespass statute have been eliminated.
3. Changing the provisions regulating the resale of confiscated fish and game. See the amendments to ss. 29.541 (1) (a) (intro.) and 29.934 (2) and the repeal of s. 29.934 (3).

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

**Gibson-Glass, Mary**

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**From:** Bruhn, Mike  
**Sent:** Tuesday, July 05, 2005 4:08  
**To:** Gibson-Glass, Mary  
**Subject:** FW: seized skins bill

Mary,

I asked DNR to review the newest draft, and they had the follow suggestions. I am not sure any of them need to be made, but what do you think?

Thanks,

Mike Bruhn  
Rep. Gunderson's office

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**From:** Van Haren, Thomas  
**Sent:** Tuesday, July 05, 2005 4:06 PM  
**To:** Bruhn, Mike  
**Cc:** Stark, Randall J  
**Subject:** FW: seized skins bill

Hi Mike,

I looked over the attached documents and discussed them with Randy Stark who asked that I get back to you. We thought it looked very good.

The only minor change that might be helpful for clarification purposes is including a reference to the NEW but not yet used, elk hunter education program under s. 29.595. Although it is not critical, and one could argue that this program falls under the "other educational hunting, fishing, trapping, or conservation activities the department conducts", we thought that since a specific reference is made to the basic hunter education program found under s. 29.591, that a reference to the NEW elk hunter education program might also be appropriate here.

The underlined words in red on line 6 and 7 would help provided some clarification.

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 programs

7 under ss. 29.591 and 29.595, the trapper education program under s. 29.597, or other educational

8 hunting, fishing, trapping, or conservation activities the department conducts any

9 of the following property:

Thanks for the opportunity to review and comment and for consideration of the changes this bill is proposing.


07/06/2005

Thomas Van Haren  
DNR, Bureau of Law Enforcement  
266-3244

---

**From:** Stark, Randall J  
**Sent:** Friday, July 01, 2005 10:28 AM  
**To:** Van Haren, Thomas  
**Subject:** FW: seized skins bill

TVH - look this over then let's talk

 Randy J. Stark

Chief Warden

Bureau of Law Enforcement

Wisconsin Department of Natural Resources

(☎) phone: (608) 266-1115

(☎) fax: (608) 266-3696

(✉) e-mail: [Randall.Stark@dnr.state.wi.us](mailto:Randall.Stark@dnr.state.wi.us)

"The ultimate test of a persons conscience may be their willingness to sacrifice something today for future generations whose words of thanks will never be heard." - Gaylord Nelson

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**From:** Bruhn, Mike [<mailto:Mike.Bruhn@legis.state.wi.us>]  
**Sent:** Friday, July 01, 2005 10:18 AM  
**To:** Stark, Randall J  
**Subject:** seized skins bill

Hey Randy,

Attached is the draft and drafter's note on the seized skins bill. It looks a lot closer to what we had requested in the beginning and the language you had forwarded to me. Can you review it, and let me know your thoughts?

Thanks,

Mike Bruhn  
Rep. Gunderson's' office

<<05-27752.pdf>> <<05-27752dn.pdf>>

07/06/2005



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-2775/2  
MGG:wlj:pg

3 RHR

wait  
7/9/05  
soon

2005 BILL

Natural Resources

Regen

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 Revenue  
 4 of seized, confiscated, or unclaimed property for educational hunting, fishing,  
 5 trapping, and other conservation activities; the sale by the Department of  
 6 Natural Resources of seized, perishable property and confiscated wild animals  
 7 and carcasses; and the receipt of proceeds by the Department of Natural  
 8 Resources for skins of fur-bearing animals that are prepared as part of the  
 9 course of instruction under the trapper education program.

***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.

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

**BILL**

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 <sup>hunter</sup> education programs  
7 under <sup>s. 29.591</sup> s. 29.591, <sup>and s. 29.595</sup> the trapper education program under s. 29.597, or other educational  
8 hunting, fishing, trapping, or conservation activities the department conducts any  
9 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

**BILL**

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

**BILL**

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.

15 (END)



**Northrop, Lori**

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**From:** Bruhn, Mike  
**Sent:** Wednesday, October 26, 2005 3:31 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-2775/3 Topic: Use of unclaimed or seized skins or property

It has been requested by <Bruhn, Mike> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-2775/3 Topic: Use of unclaimed or seized skins or property