

**ASSEMBLY AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 842**

January 17, 2006 – Offered by Representative MOULTON.

1           At the locations indicated, amend the bill as follows:

2           **1.** Page 3, line 2: after that line insert:

3           “**SECTION 3g.** 29.931 (1) of the statutes is amended to read:

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

13           **SECTION 3r.** 29.931 (2) (a) of the statutes is amended to read:

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

18           **2.** Page 3, line 7: delete lines 7 to 18 and substitute:

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

20           29.934 (1) (a) All wild animals, carcasses ~~or~~, plants, vehicles, boats, or objects  
21 that are confiscated by the department for a violation of ~~this chapter or ch. 169 and~~  
22 ~~all vehicles, boats or objects confiscated by the department for a violation of this~~  
23 ~~chapter or ch. 169~~ any of the laws for which the department and its wardens have  
24 enforcement authority under s. 29.921 shall, if not destroyed as authorized by law,

1 be sold at the highest price obtainable except as provided in ss. 29.936 and 29.938,  
2 by the department, or by an agent on commission under supervision of the  
3 department. The net proceeds of sales under this subsection, after deducting the  
4 expense of seizure and sale and any commissions and any amounts owing to holders  
5 of security interests under par. (c) or (d), shall be remitted to the department. The  
6 remittance shall be accompanied by a report of the sales, supported by vouchers for  
7 expenses and commissions, and shall be filed with the department.”.

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(END)