



2007 ASSEMBLY BILL 198

1 **AN ACT** *to renumber and amend* 165.83 (1) (e) and 165.85 (2) (g); *to amend*
2 23.29 (23), 23.293 (19), 23.33 (4) (c) 1., 23.33 (12) (b), 23.51 (3), 30.64, 175.40 (1)
3 (c), 340.01 (3) (b), 341.17 (9) (c) 2., 343.235 (3) (a), 343.237 (4), 350.02 (3m),
4 350.17 (2), 939.22 (22), 940.20 (2), 941.20 (1m) (b), 941.20 (3) (b) 1. a., 941.23,
5 941.235 (2), 941.26 (4) (c) 2., 941.29 (10) (a), 941.295 (2) (a), 941.2965 (3) (a),
6 941.298 (3) (a), 941.299 (2) (a), 941.31 (2) (c), 948.55 (4) (d), 948.605 (2) (b) 6.,
7 948.605 (3) (b) 4. and 948.61 (3) (c); and *to create* 165.83 (1) (e) 2., 165.85 (2)
8 (g) 2., 175.41, 340.01 (8t), 340.01 (8u), 341.17 (4) (h), 939.22 (5), 939.22 (37) and
9 941.237 (1) (dr) of the statutes; **relating to:** conservation wardens employed by
10 the Great Lakes Indian Fish and Wildlife Commission.

Analysis by the Legislative Reference Bureau

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

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1 **SECTION 1.** 23.29 (23) of the statutes is amended to read:

2 **23.29 (23) ENFORCEMENT.** The department and its agents, the department of
3 justice, and peace officers, as defined under s. 939.22 (22), but not including
4 commission wardens, as defined under s. 939.22 (5), have jurisdiction on dedicated
5 state natural areas in the geographic jurisdiction to enforce articles of dedication and
6 restrictions authorized under sub. (21).

7 **SECTION 2.** 23.293 (19) of the statutes is amended to read:

8 **23.293 (19) ENFORCEMENT.** The department and its agents, the department of
9 justice, and peace officers, as defined under s. 939.22 (22), but not including
10 commission wardens, as defined under s. 939.22 (5), have jurisdiction on dedicated
11 ice age trail areas.

12 **SECTION 3.** 23.33 (4) (c) 1. of the statutes is amended to read:

13 **23.33 (4) (c) 1.** Paragraphs (a) and (b) do not apply to the operator of an
14 all-terrain vehicle owned by a municipality, state agency, or public utility, or by the
15 Great Lakes Indian Fish and Wildlife Commission, while the operator is engaged in
16 an emergency or in the operation of an all-terrain vehicle directly related to the
17 functions of the municipality, state agency, or public utility, or of the Great Lakes
18 Indian Fish and Wildlife Commission, if safety does not require strict adherence to
19 these restrictions.

20 **SECTION 4.** 23.33 (12) (b) of the statutes is amended to read:

21 **23.33 (12) (b)** No operator of an all-terrain vehicle may refuse to stop after
22 being requested or signaled to do so by a law enforcement officer or a commission
23 warden, as defined in s. 939.22 (5).

24 **SECTION 5.** 23.51 (3) of the statutes is amended to read:

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1 23.51 (3) “Enforcing officer” means a peace officer as defined by in s. 939.22
2 (22), but not including a commission warden, as defined in s. 939.22 (5), or means a
3 person who has authority to act pursuant to a specific statute.

4 **SECTION 6.** 30.64 of the statutes is amended to read:

5 **30.64 Patrol boats. (1)** The operator of a patrol boat, including a commission
6 warden, as defined in s. 939.22 (5), when responding to an emergency call or when
7 in pursuit of an actual or suspected violator of the law, need not comply with this
8 subchapter or ordinances under s. 30.77 when a siren or emergency light is activated
9 or, if the patrol boat is equipped with a siren and an emergency light, when both the
10 siren and emergency light are activated, and if due regard is given to the safety of
11 other persons in the vicinity. If an emergency light is used, it shall be of a type and
12 design specified under 33 CFR 88.11 or 88.12.

13 **(2)** Upon the approach of a patrol boat, including a patrol boat operated by a
14 commission warden, as defined in s. 939.22 (5), giving an audio or visual signal, the
15 operator of a boat shall reduce the boat speed to slow-no-wake and yield the
16 right-of-way to the patrol boat until it has passed.

17 **(3)** No person operating a boat may refuse to stop after being requested or
18 signaled to do so by a law enforcement officer or a commission warden, as defined in
19 s. 939.22 (5).

20 **SECTION 7.** 165.83 (1) (e) of the statutes is renumbered 165.83 (1) (e) (intro.) and
21 amended to read:

22 165.83 **(1)** (e) (intro.) “Tribal law enforcement agency” means ~~an~~ any of the
23 following:

24 1. An agency of a tribe that is established for the purpose of preventing and
25 detecting crime on the reservation or trust lands of the tribe and enforcing the tribe’s

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1 laws or ordinances, that employs full time one or more persons who are granted law
2 enforcement and arrest powers under s. 165.92 (2) (a), and that was created by a tribe
3 that agrees that its law enforcement agency will perform the duties required of the
4 agency under this section and s. 165.84.

5 **SECTION 8.** 165.83 (1) (e) 2. of the statutes is created to read:

6 165.83 (1) (e) 2. The Great Lakes Indian Fish and Wildlife Commission, if the
7 Great Lakes Indian Fish and Wildlife Commission agrees to perform the duties
8 required under this section and s. 165.84.

9 **SECTION 9.** 165.85 (2) (g) of the statutes is renumbered 165.85 (2) (g) (intro.)
10 and amended to read:

11 165.85 (2) (g) (intro.) “Tribal law enforcement officer” means ~~a~~ any of the
12 following:

13 1. A person who is employed by a tribe for the purpose of detecting and
14 preventing crime and enforcing the tribe’s laws or ordinances, who is authorized by
15 the tribe to make arrests of Indian persons for violations of the tribe’s laws or
16 ordinances, and who agrees to accept the duties of law enforcement officers under the
17 laws of this state.

18 **SECTION 10.** 165.85 (2) (g) 2. of the statutes is created to read:

19 165.85 (2) (g) 2. A conservation warden employed by the Great Lakes Indian
20 Fish and Wildlife Commission who agrees to accept the duties of law enforcement
21 officers under the laws of this state.

22 **SECTION 11.** 175.40 (1) (c) of the statutes is amended to read:

23 175.40 (1) (c) “Peace officer” has the meaning specified in s. 939.22 (22), but also
24 does not include a commission warden, as defined in s. 939.22 (5). “Peace officer”

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1 includes any tribal law enforcement officer who is empowered to act under s. 165.92
2 (2) (a).

3 **SECTION 12.** 175.41 of the statutes is created to read:

4 **175.41 Arrest and assistance; wardens employed by the Great Lakes**
5 **Indian Fish and Wildlife Commission. (1)** In this section:

6 (a) “Ceded territory” means the territory in Wisconsin ceded by the Chippewa
7 Indians to the United States in the treaty of 1837, 7 Stat. 536, and the treaty of 1842,
8 7 Stat. 591.

9 (b) “Commission” means the Great Lakes Indian Fish and Wildlife
10 Commission.

11 (c) “Commission warden” means a conservation warden employed by the
12 commission.

13 **(2)** For purposes of civil and criminal liability, a commission warden may, when
14 in fresh pursuit, follow anywhere in the state outside the ceded territory and arrest
15 any of the following:

16 (a) A Chippewa tribal member for violation of the Chippewa off-reservation
17 conservation code, if the conditions of sub. (3) (a) and (e) are met.

18 (b) Any person for violation of the laws of this state, if the conditions of sub. (3)
19 (a) to (e) are met.

20 **(3)** Within the ceded territory, a commission warden may arrest a person for
21 violation of state law or provide aid or assistance to a Wisconsin peace officer if all
22 of the following criteria are met:

23 (a) The commission warden is on duty and on official business.

24 (b) Any of the following applies:

25 1. The commission warden is responding to any of the following:

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1 a. An emergency situation that poses a significant threat to life or a significant
2 threat of bodily harm.

3 b. Acts that the commission warden believes, on reasonable grounds, constitute
4 a felony.

5 2. The commission warden is rendering aid or assistance to a Wisconsin peace
6 officer in an emergency or at the request of the Wisconsin peace officer.

7 (c) The commission warden meets the requirements of s. 165.85 (4) (b) 1., (bn)
8 1., and (c) and has agreed to accept the duties of a law enforcement officer under the
9 laws of this state.

10 (d) The commission has adopted and implemented written policies regarding
11 making arrests and rendering aid or assistance under this subsection, including a
12 policy on notification to and cooperation with the law enforcement agency of the
13 jurisdiction in which such arrests are made.

14 (e) The commission maintains liability insurance that does all of the following:

15 1. Covers the commission and commission wardens for acts and omissions
16 under sub. (4).

17 2. Has a limit of coverage not less than \$2,000,000 for any occurrence.

18 3. Provides that the insurer, in defending a claim against the policy, may not
19 raise the defense of sovereign immunity of the insured up to the limits of the policy.

20 **(4)** Except as otherwise provided in an agreement between the commission and
21 the state or a subdivision of the state, the commission is liable for all acts and
22 omissions of a commission warden while acting under sub. (2) or (3), and neither the
23 state nor any political subdivision of the state may be held liable for any action of a
24 commission warden taken under the authority of sub. (2) or (3). For purposes of civil

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1 and criminal liability, a commission warden acting under sub. (2) or (3) is considered
2 to be acting in an official capacity.

3 **(5)** Subsections (2) and (3) apply only if the commission has presented evidence
4 to the department of justice of the insurance under sub. (3) (e). Upon receipt of
5 evidence of insurance under sub. (3) (e), the department of justice shall notify the
6 sheriff of each county in the ceded territory that the commission has met this
7 criterion for performing the powers and duties described under subs. (2) and (3).

8 **SECTION 13.** 340.01 (3) (b) of the statutes is amended to read:

9 340.01 **(3)** (b) Conservation wardens' vehicles ~~or~~ foresters' trucks, or vehicles
10 used by commission wardens. whether publicly or privately owned.

11 **SECTION 14.** 340.01 (8t) of the statutes is created to read:

12 340.01 **(8t)** "Commission" means the Great Lakes Indian Fish and Wildlife
13 Commission.

14 **SECTION 15.** 340.01 (8u) of the statutes is created to read:

15 340.01 **(8u)** "Commission warden" means a conservation warden employed by
16 the commission.

17 **SECTION 16.** 341.17 (4) (h) of the statutes is created to read:

18 341.17 **(4)** (h) To the commission, one copy of each automobile registration list
19 under sub. (1).

20 **SECTION 17.** 341.17 (9) (c) 2. of the statutes is amended to read:

21 341.17 **(9)** (c) 2. A law enforcement agency, a state authority ~~or~~ a federal
22 governmental agency, or the commission to perform a legally authorized function.

23 **SECTION 18.** 343.235 (3) (a) of the statutes is amended to read:

24 343.235 **(3)** (a) A law enforcement agency, a state authority ~~or~~ a federal
25 governmental agency, or the commission to perform a legally authorized function.

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1 **SECTION 19.** 343.237 (4) of the statutes is amended to read:

2 343.237 **(4)** If a law enforcement agency of another state or the commission
3 makes a request meeting all the requirements specified for a request by a Wisconsin
4 law enforcement agency or a federal law enforcement agency under sub. (3), the
5 department shall comply with the request if all of the following apply:

6 (a) The law enforcement agency of the other state or the commission agrees to
7 comply with all of the requirements under this section.

8 (b) The other state or the commission allows Wisconsin law enforcement
9 agencies similar or greater access to similar information from that state or the
10 commission.

11 **SECTION 20.** 350.02 (3m) of the statutes is amended to read:

12 350.02 **(3m)** A law enforcement officer or a commission warden, as defined in
13 s. 939.22 (5), may operate a snowmobile on a highway in performance of his or her
14 official duties if the snowmobile is equipped with a light that is red or blue or a
15 combination thereof and that is flashing, oscillating, or rotating.

16 **SECTION 21.** 350.17 (2) of the statutes is amended to read:

17 350.17 **(2)** No person operating a snowmobile shall refuse to stop after being
18 requested or signaled to do so by a law enforcement officer or a commission warden,
19 as defined in s. 939.22 (5).

20 **SECTION 22.** 939.22 (5) of the statutes is created to read:

21 939.22 **(5)** “Commission warden” means a conservation warden employed by
22 the Great Lakes Indian Fish and Wildlife Commission.

23 **SECTION 23.** 939.22 (22) of the statutes is amended to read:

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1 939.22 (22) “Peace officer” means any person vested by law with a duty to
2 maintain public order or to make arrests for crime, whether that duty extends to all
3 crimes or is limited to specific crimes. “Peace officer” includes a commission warden.

4 **SECTION 24.** 939.22 (37) of the statutes is created to read:

5 939.22 (37) “State-certified commission warden” means a commission warden
6 who meets the requirements of s. 165.85 (4) (b) 1., (bn) 1., and (c) and has agreed to
7 accept the duties of a law enforcement officer under the laws of this state.

8 **SECTION 25.** 940.20 (2) of the statutes is amended to read:

9 940.20 (2) BATTERY TO LAW ENFORCEMENT OFFICERS AND, FIRE FIGHTERS, AND
10 COMMISSION WARDENS. Whoever intentionally causes bodily harm to a law
11 enforcement officer or fire fighter, as those terms are defined in s. 102.475 (8) (b) and
12 (c), or to a commission warden, acting in an official capacity and the person knows
13 or has reason to know that the victim is a law enforcement officer ~~or~~, fire fighter, or
14 commission warden, by an act done without the consent of the person so injured, is
15 guilty of a Class H felony.

16 **SECTION 26.** 941.20 (1m) (b) of the statutes is amended to read:

17 941.20 (1m) (b) Whoever intentionally points a firearm at or towards a law
18 enforcement officer, a fire fighter, an emergency medical technician, a first
19 responder, ~~or~~ an ambulance driver, or a commission warden who is acting in an
20 official capacity and who the person knows or has reason to know is a law
21 enforcement officer, a fire fighter, an emergency medical technician, a first
22 responder, ~~or~~ an ambulance driver, or a commission warden is guilty of a Class H
23 felony.

24 **SECTION 27.** 941.20 (3) (b) 1. a. of the statutes is amended to read:

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1 941.20 (3) (b) 1. a. A peace officer, except for a commission warden who is not
2 a state-certified commission warden.

3 **SECTION 28.** 941.23 of the statutes is amended to read:

4 **941.23 Carrying concealed weapon.** Any person except a peace officer who
5 goes armed with a concealed and dangerous weapon is guilty of a Class A
6 misdemeanor. Notwithstanding s. 939.22 (22), for purposes of this section, peace
7 officer does not include a commission warden who is not a state-certified commission
8 warden.

9 **SECTION 29.** 941.235 (2) of the statutes is amended to read:

10 941.235 (2) This section does not apply to peace officers or armed forces or
11 military personnel who go armed in the line of duty or to any person duly authorized
12 by the chief of police of any city, village or town, the chief of the capitol police, or the
13 sheriff of any county to possess a firearm in any building under sub. (1).
14 Notwithstanding s. 939.22 (22), for purposes of this subsection, peace officer does not
15 include a commission warden who is not a state-certified commission warden.

16 **SECTION 30.** 941.237 (1) (dr) of the statutes is created to read:

17 941.237 (1) (dr) Notwithstanding s. 939.22 (22), “peace officer” does not include
18 a commission warden who is not a state-certified commission warden.

19 **SECTION 31.** 941.26 (4) (c) 2. of the statutes is amended to read:

20 941.26 (4) (c) 2. Any peace officer acting in his or her official capacity.
21 Notwithstanding s. 939.22 (22), for purposes of this subdivision, peace officer does
22 not include a commission warden who is not a state-certified commission warden.

23 **SECTION 32.** 941.29 (10) (a) of the statutes is amended to read:

24 941.29 (10) (a) The person is a peace officer and the person possesses a firearm
25 while in the line of duty or, if required to do so as a condition of employment, while

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1 off duty. Notwithstanding s. 939.22 (22), for purposes of this paragraph, peace officer
2 does not include a commission warden who is not a state-certified commission
3 warden.

4 **SECTION 33.** 941.295 (2) (a) of the statutes is amended to read:

5 941.295 (2) (a) Any peace officer. Notwithstanding s. 939.22 (22), for purposes
6 of this paragraph, peace officer does not include a commission warden who is not a
7 state-certified commission warden.

8 **SECTION 34.** 941.2965 (3) (a) of the statutes is amended to read:

9 941.2965 (3) (a) Any peace officer acting in the discharge of his or her official
10 duties. Notwithstanding s. 939.22 (22), this paragraph does not apply to a
11 commission warden.

12 **SECTION 35.** 941.298 (3) (a) of the statutes is amended to read:

13 941.298 (3) (a) Any peace officer who is acting in compliance with the written
14 policies of the officer's department or agency. This paragraph does not apply to any
15 officer whose department or agency does not have such a policy. Notwithstanding
16 s. 939.22 (22), this paragraph does not apply to a commission warden.

17 **SECTION 36.** 941.299 (2) (a) of the statutes is amended to read:

18 941.299 (2) (a) Intentionally direct a beam of light from a laser pointer at any
19 part of the body of a correctional officer or, law enforcement officer, or commission
20 warden without the officer's consent, if the person knows or has reason to know that
21 the victim is a correctional officer or, law enforcement officer, or commission warden
22 who is acting in an official capacity.

23 **SECTION 37.** 941.31 (2) (c) of the statutes is amended to read:

24 941.31 (2) (c) This subsection does not apply to the transportation, possession,
25 use, or transfer of any improvised explosive device by any armed forces or national

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1 guard personnel or to any peace officer in the line of duty or as part of a duty-related
2 function or exercise. The restriction on transportation in this subsection does not
3 apply to common carriers. Notwithstanding s. 939.22 (22), this paragraph does not
4 apply to a commission warden.

5 **SECTION 38.** 948.55 (4) (d) of the statutes is amended to read:

6 948.55 (4) (d) The person is a peace officer or a member of the armed forces or
7 national guard and the child obtains the firearm during or incidental to the
8 performance of the person's duties. Notwithstanding s. 939.22 (22), for purposes of
9 this paragraph, peace officer does not include a commission warden who is not a
10 state-certified commission warden.

11 **SECTION 39.** 948.605 (2) (b) 6. of the statutes is amended to read:

12 948.605 (2) (b) 6. By a law enforcement officer or state-certified commission
13 warden acting in his or her official capacity; or

14 **SECTION 40.** 948.605 (3) (b) 4. of the statutes is amended to read:

15 948.605 (3) (b) 4. By a law enforcement officer or state-certified commission
16 warden acting in his or her official capacity.

17 **SECTION 41.** 948.61 (3) (c) of the statutes is amended to read:

18 948.61 (3) (c) Is a law enforcement officer or state-certified commission warden
19 acting in the discharge of his or her official duties.

20 (END)