

2009 DRAFTING REQUEST

Bill

Received: **01/28/2009**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Andy Jorgensen (608) 266-3790**

By/Representing: **Beau**

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.Jorgensen@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Killing of wild animals by snowmobiles and other vehicles

Instructions:

Wants, 951.02 to be clear that it covers wild animals, want a criminal penalty for killing animals intentionally with snowmobiles, motorboats and vehicles off roadways, wants some sort of conseling for those convicted, some concer thatn "treatment" in 951.02 does not cover incidental encounter; ie tying deer to tree would be cruel treatment; but just cruising through ducks would not, also penalty for not notifying authorities when doing this (as in an accident)

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 Crime
/1	mglass 02/12/2009	csicilia 02/24/2009	rschluet 02/24/2009	_____	lparisi 02/24/2009		S&L Crime

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	mglass 07/07/2009 mglass 07/08/2009	csicilia 07/08/2009	mduchek 07/08/2009	_____ _____ _____	sbasford 07/08/2009		S&L Crime
/3	mglass 07/15/2009	csicilia 07/16/2009	mduchek 07/16/2009	_____ _____	sbasford 07/16/2009	sbasford 08/03/2009	

FE Sent For: "/3" @ intro, 8/17/09

<END>

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	mglass 07/08/2009			_____			

FE Sent For:

13 gjs 7/16
09

(M) (M) F
7/16 <END> 7/16

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1/2 ejs 7/8/09
7/8 JP

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/?	mglass	1 cjs 2/23 09					
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FE Sent For:

<END>



D-Note

in 2111
~~2084~~

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SA,
K-1-10

Gen Cat

1 AN ACT...; relating to: recklessly causing harm to wild animals and providing
2 a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits treating an animal in a cruel manner. The penalty for treating an animal in a cruel manner is a forfeiture except that if a person intentionally treats an animal in a cruel manner and the animal is mutilated, ^{or} disfigured, or dies as as result of the mistreatment, the penalty is a Class I felony, which imposes a not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both.

This bill imposes the same felony penalty on a person who recklessly causes harm to a wild mammal or bird by pursuing or harassing the mammal or bird. If a person is convicted of this felony and placed on probation, the court, as a condition of the probation, may order the person to receive mental health treatment.

Also, under the bill, a person who causes harm to any wild mammal or bird while operating a motorboat or a motor vehicle off of a roadway shall, without delay and by the quickest means available, give notice of the incident to a conservation warden or local law enforcement officer.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

for which to penalty is

with a motorboat or motor vehicle

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cruel

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act

fine

three

six

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

→ FE SL

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

1 SECTION 1. 29.602 of the statutes is created to read:

2 **29.602 Reckless harming of wild animals.** (1) In this section:

3 (a) "Harm" means injury which creates a substantial risk of death or which
4 causes a permanent or protracted loss or impairment of the function of any member
5 or organ of the body of a wild animal.

6 (b) "Motorboat" has the meaning given in s. 30.50 (6).

7 (c) ~~Notwithstanding s. 989.24~~ "recklessly" means acting in a manner that
8 creates an unreasonable and substantial risk of harm and being aware of that risk.

9 (d) Notwithstanding s. 29.001 (90), "wild animal" means any mammal or bird
10 of a wild nature that is normally found in the wild and that is not a domestic animal
11 or a wild animal that is subject to regulation under ch. 169.

12 (2) No person may recklessly cause harm to any wild animal by harassing or
13 pursuing the wild animal with a ~~motor vehicle~~ motorboat or a motor vehicle.

14 (3) Any person who causes harm to any wild animal while operating a
15 motorboat or a motor vehicle off of a roadway shall, without delay and by the quickest
16 means available, give notice of the incident to a warden or law enforcement officer.

17 SECTION 2. 29.971 (8) of the statutes is created to read:

18 29.971 (8) (a) ~~For a violation of s. 29.602 (2),~~ A person who violates by a fine not to exceed \$10,000 or
19 imprisonment not to exceed 3 years and 6 months, or both. is guilty of a Class I
felony

20 (b) For a violation of s. 29.602 (3), by a forfeiture ~~a forfeiture~~ not to exceed \$200.

21 SECTION 3. 973.09 (8) of the statutes is created to read:

this section

1
2
3
4
5
6
7

973.09 (8) In the case of a violation under s. 29.602 (2), if the court orders ✓
probation under s. 973.09, the court may order as a condition of the probation, that ✓
the violator receive mental health treatment. *le*

SECTION 4. Initial applicability.

(1) This act first applies to violations occurring on the effective date of this ✓
subsection.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1854/Rdn

MGG: /:....

1
yjs

1. In reviewing s. 951.02, I realize that s. 951.02 may cover wild animals because title to wild animals is vested in the state, that is they belong to the state. See 29.011 (1) and (2). I think DNR legal staff should be consulted as to whether they think s. 951.02 needs to be treated in this draft. I shall be happy to make that call if you prefer. ✓
2. Please note that the defined term "motor vehicle" includes all-terrain vehicles and snowmobiles and the defined term "motorboat" includes personal watercraft. See ss. 29.001 (57) and 30.50 (9d) respectively. ✓
3. I limited the scope of this bill to wild mammals and birds. OK? ✓

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

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

LRB-1854/1dn
MGG:cjs:rs

February 24, 2009

1. In reviewing s. 951.02, I realize that s. 951.02 may cover wild animals because title to wild animals is vested in the state, that is they belong to the state. See 29.011 (1) and (2). I think DNR legal staff should be consulted as to whether they think s. 951.02 needs to be treated in this draft. I shall be happy to make that call if you prefer.
2. Please note that the defined term "motor vehicle" includes all-terrain vehicles and snowmobiles and the defined term "motorboat" includes personal watercraft. See ss. 29.001 (57) and 30.50 (9d) respectively.
3. I limited the scope of this bill to wild mammals and birds. OK?

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



2009 BILL

*drafting
notes for 12*

1 AN ACT *to create* 29.602, 29.971 (8) and 973.09 (8) of the statutes; **relating to:**
2 ~~recklessly~~ ^{killing or} causing harm to wild animals and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits treating an animal in a cruel manner. The penalty for treating an animal in a cruel manner is a forfeiture except that if a person intentionally treats an animal in a cruel manner and the animal is mutilated or disfigured or dies as a result of the mistreatment, the act is a Class I felony, for which the penalty is a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both.

This bill imposes the same felony penalty on a person who recklessly causes harm to a wild mammal or bird by pursuing or harassing the mammal or bird with a motorboat or motor vehicle. If a person is convicted of this felony and placed on probation, the court, as a condition of the probation, may order the person to receive mental health treatment.

Also, under the bill, a person who causes harm to any wild mammal or bird while operating a motorboat or a motor vehicle off of a roadway shall, without delay and by the quickest means available, give notice of the incident to a conservation warden or local law enforcement officer.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

BILL

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. 29.602 of the statutes is created to read:

2 **29.602 Reckless harming of wild animals.** (1) In this section:

3 (a) "Harm" means injury which creates a substantial risk of death or which
4 causes a permanent or protracted loss or impairment of the function of any member
5 or organ of the body of a wild animal.

6 (b) "Motorboat" has the meaning given in s. 30.50 (6).

7 (c) "Recklessly" means acting in a manner that creates an unreasonable and
8 substantial risk of harm and being aware of that risk.

9 (d) Notwithstanding s. 29.001 (90), "wild animal" means any mammal or bird
10 of a wild nature that is normally found in the wild and that is not a domestic animal
11 or a wild animal that is subject to regulation under ch. 169.

12 (2) No person may ~~recklessly~~ ^{or intentionally} cause harm ^{or kill} to any wild animal by harassing or
13 pursuing the wild animal with a motorboat or a motor vehicle.

14 (3) Any person who causes harm ^{or kill} to any wild animal while operating a
15 motorboat or a motor vehicle off of a roadway shall, without delay and by the quickest
16 means available, give notice of the incident to a warden or law enforcement officer.

17 SECTION 2. 29.971 (8) of the statutes is created to read:

18 29.971 (8) (a) A person who violates s. 29.602 (2) is guilty of a Class I felony.

19 (b) For a violation of s. 29.602 (3), by a forfeiture not to exceed \$200.

20 SECTION 3. 973.09 (8) of the statutes is created to read:

*causing harm to
may use
a motor vehicle
off a roadway
to kill a wild
animal
while hunting*

29.347

BILL

1 973.09 (8) In the case of a violation under s. 29.602 (2), if the court orders
2 probation under this section, the court may order as a condition of the probation that
3 the violator receive ^a mental health ~~treatment~~ assessment.

4 **SECTION 4. Initial applicability.**

5 (1) This act first applies to violations occurring on the effective date of this
6 subsection.

7 (END)

~~Provision~~ 1 of 5

[No future registration
vehicle]
↓ for ~~one~~ 2 year
2nd & subsequent
12 to 24 months

a little harsher

permanently limited to the one
2nd used.

No future trail pass

341.63



State of Wisconsin
2009 - 2010 LEGISLATURE

RMR
LRB-1854/2
MGG:cjs:rs
Stays

Wed

D-Note

2009 BILL

7/8

or by using the boat or vehicle to kill or harm the ~~wild animal~~ mammal or bird

SAV
12/20

assessment

killing or harming with a motor vehicle or motorboat

- 1 AN ACT to create 29.602, 29.971 (8) and 973.09 (8) of the statutes; relating to:
- 2 recklessly causing harm to wild animals and providing a penalty.

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Current law prohibits treating an animal in a cruel manner. The penalty for treating an animal in a cruel manner is a forfeiture except that if a person intentionally treats an animal in a cruel manner and the animal is mutilated or disfigured or dies as a result of the mistreatment, the act is a Class I felony, for which the penalty is a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both.

Kills or harms

This bill imposes the same felony penalty on a person who intentionally or recklessly causes harm to a wild mammal or bird by pursuing or harassing the mammal or bird with a motorboat or motor vehicle. If a person is convicted of this felony and placed on probation, the court, as a condition of the probation, may order the person to receive mental health treatment.

(a)

INSANE & kills or harms

Also, under the bill, a person who causes harm to any wild mammal or bird while operating a motorboat or a motor vehicle off of a roadway shall, without delay and by the quickest means available, give notice of the incident to a conservation warden or local law enforcement officer.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

BILL

(b) ^I ~~Recklessly~~ ^{Intentionally} has the meaning given in s. 939.23

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. 29.602 of the statutes is created to read:

29.602 ~~Reckless~~ ^{to cause} **harming of wild animals.** (1) In this section:

(a) "Harm" means injury which creates a substantial risk of death or which causes a permanent or protracted loss or impairment of the function of any member or organ of the body of a wild animal.

(c) "Motorboat" has the meaning given in s. 30.50 (6).

(d) "Recklessly" means acting in a manner that creates an unreasonable and substantial risk of ~~harm and~~ ^{of harming or killing a wild animal and} being aware of that risk.

(f) Notwithstanding s. 29.001 (90), "wild animal" means any mammal or bird of a wild nature that is normally found in the wild and that is not a domestic animal or a wild animal that is subject to regulation under ch. 169.

(2) No person may ~~recklessly cause~~ ^{intentionally or kill or} harm to any wild animal by harassing or pursuing the wild animal with a motorboat or a motor vehicle.

(3) Any person who ~~causes harm to~~ ^{kills or harms} any wild animal while operating a motorboat or a motor vehicle off of a roadway shall, without delay and by the quickest means available, give notice of the incident to a warden or law enforcement officer.

SECTION 2. 29.971 (8) of the statutes is created to read:

29.971 (8) (a) A person who violates s. 29.602 (2) is guilty of a Class I felony.

(b) For a violation of s. 29.602 (3), by a forfeiture not to exceed \$200.

SECTION 3. 973.09 (8) of the statutes is created to read:

(B) Killing or

(B) with motorboat or motor vehicles

of harming or killing a wild animal and

~~causes harm to~~

INS 2-8

INS 2-13

INSERT 2-16

no ff

Insert ANL

Also, if the convicted person used a snowmobile, all-terrain vehicle, motorboat, or personal watercraft (recreational vehicle), the court may order that the Department of Natural Resources (DNR) suspend or revoke any registration certificate for any recreational vehicle that was issued to the convicted person. The court may also order DNR to not issue any such registration certificates to the person in the future.

Insert 2-8

LPS: it says "e"

(e) "Recreational vehicle" means a motorboat, an all-terrain vehicle, or a snowmobile.

Insert 2-13

(2) No person may do any of the following:

(a) Intentionally or recklessly kill or harm any wild animal by harrasing or pursuing the wild animal with a motorboat or a motor vehicle.

(b) Intentionally or recklessly use a motorboat or motor vehicle ~~as a means~~ to kill or harm any wild animal.

as an instrument

Insert 2-16

no ff

In giving such notice the person shall give his or her name, the location of the wild animal, ^{and} the date, and the time ^{of the incident}.

(4) (a) If a person is convicted of having violated sub. (2) using a recreational vehicle, the court may order that the department do any of the following:

1. Suspend for a period of time ^{as} determined by the court, or permanently revoke, any certificates of number or registration certificates for recreational vehicles issued to the person by the department.

STET: leave as typed

2. Suspend for a period of time as determined by the court, or permanently revoke, any trail pass or trail use sticker issued to the person under s. 23.33 (2j) or 350.12 (3j).

STET: leave as typed

3. Refuse to issue to the person, for a period ~~of time~~ as determined by the court, any certificates of numbers, registration certificates, or trail passes or trail use stickers issued under s. 23.33 (2j) or 350.12 (3j).

(b) ~~The court clerk of the court in which the conviction occurred, or the justice, judge or magistrate of a court not having a clerk,~~ The court shall forward to the department the record of such conviction.

ordered under par. (a)

(c) No owner may transfer the ownership of any recreational vehicle while the suspension or revocation of the applicable certificate of number or registration certificate is in effect unless the department is satisfied that such transfer is proposed in good faith and not in order to defeat the purpose of the suspension or revocation.

of a person to whom an order under par. (a) applies

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1854/2dn

MGG:f....

gs

- date -

I added trail stickers and passes that are issued for out-of-state ATVs and snowmobiles for the suspension and revocation provisions. See s. 29.602 (4) (a) 2. and 3. Note that, as drafted, the suspension and revocation provisions apply to "recreational vehicles" as defined in the draft, and not to all motor vehicles. ✓

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1854/2dn
MGG:cjs:md

July 8, 2009

I added trail stickers and passes that are issued for out-of-state ATVs and snowmobiles for the suspension and revocation provisions. See s. 29.602 (4) (a) 2. and 3. Note that, as drafted, the suspension and revocation provisions apply to "recreational vehicles," as defined in the draft, and not to all motor vehicles.

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

Gibson-Glass, Mary

From: Stafford, Beau
Sent: Wednesday, July 08, 2009 2:49 PM
To: Gibson-Glass, Mary
Subject: FW: Thrill Killing Legislation Language
Attachments: Thrill Killing with RV's.rtf

Mary,

Here is the email I received from Tom about the changes for operating privilege revocation.

Beau Stafford
 Office of Rep. Andy Jorgensen
 608.266.3790
 beau.stafford@legis.wi.gov

From: Van Haren, Thomas - DNR [mailto:Thomas.VanHaren@Wisconsin.gov]
Sent: Wednesday, July 08, 2009 10:44 AM
To: Stafford, Beau
Subject: Thrill Killing Legislation Language

u, as we discussed on the phone, if language is created under s. 29.971, Stats., to allow the courts to revoke a persons privilege to operate a motor boat or motor vehicle, it would be helpful to also include a violation under those appropriate chapters of the statutes that regulate those vehicles.

This would be needed so that if the person does not comply and operates the vehicle during the period of revocation, an officer has something to charge them with for that violation.

23.33(3)(j) of the statutes is created to read:

23.33(3) Rules of operation. No person may operate an all-terrain vehicle: *[Note, s. 23.33(3) already exists.]*

(j) During a period of time when the persons all-terrain vehicle operating privileges have been revoked by a court pursuant to s. 29.971(?).

30.68 (13) of the statutes is created to read:

30.68 Prohibited operation. *[Note, s. 30.68 already exists.]*

(13) Injuring, killing or mistreating wild animals. During a period of time when the persons motorboat operating privileges have been revoked by a court pursuant to s. 29.971(?).

350.10 (1)(n) of the statutes is created to read:

350.10 Miscellaneous provisions for snowmobile operation. *[Note, s. 350.10 already exists.]*

(n) During a period of time when the persons privilege to operate a snowmobile or any other motor-driven craft or vehicle principally manufactured for off-highway use has been revoked by a court pursuant to s. 29.971(?).

Section 29. 971(12) is where the current authority is found for the courts to revoke any ch. 29 privileges for up to 3 years or any ch. 29 violation. Language would be needed in this paragraph or a new paragraph under s. 29.971

7/15/2009

to allow the courts to revoke a persons privileges to operate a motor boat or motor vehicle for violating the new section being created under Ch. 29 for intentionally or recklessly killing or harming a wild animal with a motor boat or motor vehicle. Could be added to the new penalty paragraph that provides for the class I felony charges.

Let me know if you have any questions. Thanks for your work on this.

Thomas Van Haren

Conservation Warden & NR Policy Officer
Bureau of Law Enforcement
Wisconsin Department of Natural Resources
(☎) phone: (608) 266-3244

Prohibiting the use of Recreational Vehicles to Injure or kill wild animals & creating penalties

If language is created under s. 29.971, Stats., to allow the courts to revoke a persons privilege to operate a motor boat or motor vehicle, it would be helpful to also include a violation under those appropriate chapters of the statutes that regulate those vehicles.

This would be needed so that if the person does not comply and operates the vehicle during the period of revocation, an officer has something to charge them with for that violation.

23.33(3)(j) of the statutes is created to read:

23.33(3) Rules of operation. No person may operate an all-terrain vehicle:

(j) During a period of time when the persons all-terrain vehicle operating privileges have been
revoked by a court pursuant to s. 29.971(?).

revoke → \$25,000 → 1st offense
fine → 25000 → not more than one year.

30.68 (13) of the statutes is created to read:

30.68 Prohibited operation.

(13) Injuring, killing or mistreating wild animals. During a period of time when the persons motorboat operating privileges have been revoked by a court pursuant to s. 29.971(?).

350.10 (1)(n) of the statutes is created to read:

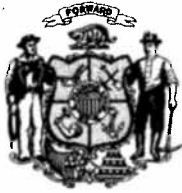
350.10 Miscellaneous provisions for snowmobile operation.

(n) During a period of time when the persons privilege to operate a snowmobile or any other motor-driven craft or vehicle principally manufactured for off-highway use has been revoked by a court pursuant to s. 29.971(?).

343.4412 - suspension

\$50 - \$200 forfeiture

345.48 - transfer of records



State of Wisconsin
2009 - 2010 LEGISLATURE

3RMR
LRB-1854/2
MGG:cjs:md
Stays

Thus

D-Note

2009 BILL

or permanently revoke

The court may also suspend or permanently revoke the convicted person's privilege to operate a recreational vehicle.

and

See SA book

1 AN ACT to create 29.602, 29.971 (8) and 973.09 (8) of the statutes; relating to:
2 killing or harming with a motor vehicle or motorboat wild animals and
3 providing a penalty. or trail passes or trail use stickers

Analysis by the Legislative Reference Bureau

for a period of time

Current law prohibits treating an animal in a cruel manner. The penalty for treating an animal in a cruel manner is a forfeiture except that if a person intentionally treats an animal in a cruel manner and the animal is mutilated or disfigured or dies as a result of the mistreatment, the act is a Class I felony, for which the penalty is a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both.

This bill imposes the same felony penalty on a person who intentionally or recklessly kills or harms a wild mammal or bird by pursuing or harassing the mammal or bird with a motorboat or motor vehicle or by using the boat or vehicle to kill or harm the mammal or bird. If a person is convicted of this felony and placed on probation, the court, as a condition of the probation, may order the person to receive a mental health assessment. Also, if the convicted person used a snowmobile, all-terrain vehicle, motorboat, or personal watercraft (recreational vehicle), the court may order that the Department of Natural Resources (DNR) suspend or revoke any registration certificate for any recreational vehicle that was issued to the convicted person. The court may also order DNR to not issue any such registration certificates to the person in the future.

permanently

order

Also, under the bill, a person who kills or harms any wild mammal or bird while operating a motorboat or a motor vehicle off of a roadway shall, without delay and

or any trail pass or trail use sticker

BILL

by the quickest means available, give notice of the incident to a conservation warden or local law enforcement officer.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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.** 29.602 of the statutes is created to read:

2 **29.602 Killing or harming of wild animals with motorboats or motor**
3 **vehicles.** (1) In this section:

4 (a) “Harm” means to cause injury which creates a substantial risk of death or
5 which causes a permanent or protracted loss or impairment of the function of any
6 member or organ of the body of a wild animal.

7 (b) “Intentionally” has the meaning given in s. 939.23.

8 (c) “Motorboat” has the meaning given in s. 30.50 (6).

9 (d) “Recklessly” means acting in a manner that creates an unreasonable and
10 substantial risk of harming or killing a wild animal and being aware of that risk.

11 (e) “Recreational vehicle” means a motorboat, an all-terrain vehicle, or a
12 snowmobile.

13 (f) Notwithstanding s. 29.001 (90), “wild animal” means any mammal or bird
14 of a wild nature that is normally found in the wild and that is not a domestic animal
15 or a wild animal that is subject to regulation under ch. 169.

16 **(2)** No person may do any of the following:

17 (a) Intentionally or recklessly kill or harm any wild animal by harassing or
18 pursuing the wild animal with a motorboat or a motor vehicle.

BILL

1 (b) Intentionally or recklessly use a motorboat or motor vehicle as an
2 instrument to kill or harm any wild animal.

3 (3) Any person who kills or harms any wild animal while operating a motorboat
4 or a motor vehicle off of a roadway shall, without delay and by the quickest means
5 available, give notice of the incident to a warden or law enforcement officer. In giving
6 such notice the person shall give his or her name, the location of the wild animal, and
7 the date and the time of the incident.

8 (4) (a) If a person is convicted of having violated sub. (2) using a recreational
9 vehicle, the court may order that the department do any of the following:

10 1. ^{That the department} Suspend for a period of time as determined by the court, or permanently
11 revoke, any certificates of number or registration certificates for recreational
12 vehicles issued to the person by the department.

13 2. ^{That the department} Suspend for a period of time as determined by the court, or permanently
14 revoke, any trail pass or trail use sticker issued to the person under s. 23.33 (2j) or
15 350.12 (3j).

16 3. ^{That the department} Refuse to issue to the person, for a period of time as determined by the court,
17 any certificates of number, registration certificates, or trail passes or trail use
18 stickers issued under s. 23.33 (2j) or 350.12 (3j). INS 3-18

19 (b) The court shall forward to the department the record of the conviction of a
20 person to whom an order under par. (a) applies. (revocation of)

21 (c) No owner may ^{the} transfer the ownership of any recreational vehicle while a
22 suspension or revocation ordered under par. (a) of the applicable certificate of
23 number or registration certificate is in effect unless the department is satisfied that
24 such transfer is proposed in good faith and not in order to defeat the purpose of the
25 suspension or revocation. INSERT 3-25

④ 4. ~~Deny~~ ^{The suspension of} the person's privilege to operate a
recreational vehicle for a period of time as determined
by the court or department ~~to~~ ^{make} the privilege.

BILL

1 **SECTION 2.** 29.971 (8) of the statutes is created to read:

2 29.971 (8) (a) A person who violates s. 29.602 (2) is guilty of a Class I felony.

3 (b) For a violation of s. 29.602 (3), by a forfeiture not to exceed \$200.

INS 4-3

4 **SECTION 3.** 973.09 (8) of the statutes is created to read:

5 973.09 (8) In the case of a violation under s. 29.602 (2), if the court orders
6 probation under this section, the court may order as a condition of the probation that
7 the violator receive a mental health assessment.

revoked

8 **SECTION 4. Initial applicability.**

9 (1) This act first applies to violations occurring on the effective date of this
10 subsection.

When operating
privileges are
suspended or
permanently

MGG:cjs:...

(END)

D - NOTE

- date -

~~124B~~

operating a recreational vehicle

Note that I have added a penalty
for ~~violating a court order~~ ~~entered under~~
~~124B to 29(4)~~ See ss. 29.602 ~~(a)~~ and s. 29.971(8)(c)
created in this draft.

MGG (4)(d)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1854/3ins
MGG:.....

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11

Insert 3-18

The record of conviction shall contain or a summary of the contents of the order
or shall be accompanied by a copy of the order.

or revoked

Insert 3-25

(d) No person may operate a recreational vehicle during the period of time
during which the person's privileges to operate such a recreational vehicle have been
suspended under par. (a) 4. has

Insert 4-3

(c) For operating a recreational vehicle in violation of ~~an order entered by a~~
~~court under~~ sub. (4), by a forfeiture not to exceed \$200.

5. 29.602 (4)(d)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1854/3dn
MGG:cjs:md

July 16, 2009

Note that I have added a penalty for operating a recreational vehicle when operating privileges are suspended or permanently revoked. See ss. 29.602 (4) (d) and s. 29.971 (8) (c) created in this draft.

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

Basford, Sarah

From: Teske, Darryl
Sent: Monday, August 03, 2009 1:20 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-1854/3 Topic: Killing of wild animals by snowmobiles and other vehicles

Please Jacket LRB 09-1854/3 for the ASSEMBLY.