



2009 SENATE BILL 167

April 14, 2009 – Introduced by Senators HOLPERIN, WIRCH, VINEHOUT, LEHMAN, DECKER, CARPENTER, KAPANKE, GROTHMAN, KEDZIE, HOPPER, SCHULTZ and KREITLOW, cosponsored by Representatives HRAYCHUCK, GUNDERSON, MILROY, VRUWINK, LEMAHIEU, MASON, DANOU, VUKMIR, SHERMAN, BALLWEG, HEBL, BERNARD SCHABER, M. WILLIAMS, KNODL, PRIDEMORE, SOLETSKI, SUDER, A. OTT, JORGENSEN, HUEBSCH, SPANBAUER, DAVIS, CLARK, RIPP, VOS, ZEPNICK, PETROWSKI, MEYER and NERISON. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

1 **AN ACT** *to renumber and amend* 29.304 (5); *to amend* 29.063 (5), 29.184 (6)
2 (b) 1., 29.235 (1), 29.304 (1) (b), 29.304 (2) (a), 29.304 (2) (b) 1., 29.304 (3) (a) 1.,
3 29.304 (3) (b) 1., 29.563 (2) (a) 4., 29.563 (2) (a) 5g., 29.563 (2) (a) 8m., 29.563
4 (2m), 29.563 (4) (a) 1m., 29.563 (4) (a) 2m., 29.563 (4) (b) 1m., 29.563 (4) (b) 2m.,
5 29.593 (1) (a), 169.20 (1) (a), 169.20 (2) (a) and 169.33 (2) (d); and **to create**
6 29.304 (4m), 29.304 (5) (b) and 29.592 of the statutes; **relating to:** the
7 minimum age for hunting and for possessing a firearm, restrictions on hunting
8 and on possessing a firearm while hunting, establishing a hunting mentorship
9 program, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes various changes to the laws relating to restrictions on hunting and firearm possession and establishes a hunting mentorship program.

Accompaniment by parent or guardian

Under current law, a person who is the minimum hunting age but under the age of 16 may hunt or have a firearm in his or her possession or control if the person is accompanied by a parent or guardian and if he or she meets certain other requirements. This bill specifies that such a person may also hunt or have a firearm

SENATE BILL 167

in his or her possession or control if the person is accompanied by an individual who is at least 18 years old and who has been designated by the person's parent or guardian.

Mentorship program

Current law requires, with certain exceptions, that every person who obtains a hunting approval must have a certificate of accomplishment issued by the Department of Natural Resources (DNR) indicating that he or she has successfully completed the hunter education program or bow hunter education program established by DNR. Current law also generally prohibits hunting and firearm possession by any person under the age of 12. For persons who are at least 12 years old, but under the age of 16, current law allows hunting and firearm possession but imposes certain restrictions that vary depending on the person's age.

This bill creates a new exception to the general requirement that a person obtain a certificate of accomplishment in order to obtain a hunting approval. The bill also lowers the minimum hunting age from 12 years of age to ten years of age for persons who hunt under the hunting mentorship program established in this bill. The bill authorizes a person who is at least ten years of age to hunt without obtaining a certificate of accomplishment and to possess or control a firearm while hunting if the person has a valid hunting approval and is hunting with a qualified mentor.

Under the hunting mentorship program, to qualify as a mentor, a person must be 18 years of age or older and be the parent or guardian of the person for whom he or she is serving as a mentor or be authorized by the parent or guardian to serve as the mentor. The bill provides that at all times when serving as a mentor, the mentor must be within arm's reach of the person for whom he or she is serving as a mentor, must have a current valid hunting approval, and must have obtained a certificate of accomplishment or be exempt from the requirement to obtain a certificate of accomplishment. The bill provides that a mentor may take only one person hunting at a time and specifies that a mentor and a person who is hunting with the mentor may jointly have only one firearm or crossbow while hunting.

Other provisions

Under current law, a person who is 12 years of age or older may possess or control a firearm and may hunt with a firearm or bow and arrow on that person's land or on land owned by his or her family if no license is required and if the firing of firearms is permitted on that land. This bill allows such a person also to hunt with a crossbow on that land.

The bill also creates a new exception to the general restrictions that apply to firearm possession by persons who are under a specified age. The bill provides that those age restrictions do not apply to a person who uses a firearm in target practice if the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.

SENATE BILL 167

For further information see the *state* 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.** 29.063 (5) of the statutes is amended to read:

2 29.063 (5) The department may exempt deer hunters from obtaining a license
3 under this chapter for the hunting of deer in an area that the department has
4 designated by rule as a chronic wasting disease control zone. Deer hunters that are
5 exempted under this subsection shall be at least ~~12~~ 10 years of age, except that a
6 person born on or after January 1, 1973, may not hunt deer under this subsection
7 unless he or she complies with ss. 29.304 and 29.593. A deer hunter exempted under
8 this subsection who is under 12 years of age is subject to the restrictions specified
9 under s. 29.592. The department shall by rule establish eligibility criteria and
10 application procedures for receipt of an exemption under this subsection, including
11 a method for obtaining a permit to hunt deer without a license under this subsection.

12 **SECTION 2.** 29.184 (6) (b) 1. of the statutes is amended to read:

13 29.184 (6) (b) 1. The applicant is at least ~~12~~ 10 years old. If the applicant is
14 under 12 years of age, the applicant is subject to the restrictions specified under s.
15 29.592.

16 **SECTION 3.** 29.235 (1) of the statutes is amended to read:

17 29.235 (1) ISSUANCE. A resident conservation patron license shall be issued
18 subject to ss. 29.024 and 54.25 (2) (c) 1. d. by the department to any resident ~~12~~ 10
19 years old or older who applies for the license. A nonresident conservation patron
20 license shall be issued subject to s. 29.024 by the department to any person ~~12~~ 10
21 years old or older who is not a resident, and who applies for the license. A

SENATE BILL 167**SECTION 3**

1 conservation patron license issued to a person who is under 12 years of age is subject
2 to the restrictions specified under s. 29.592.

3 **SECTION 4.** 29.304 (1) (b) of the statutes is amended to read:

4 29.304 (1) (b) *Restrictions on possession or control of a firearm.* No person
5 under 12 years of age may have in his or her possession or control any firearm unless
6 he or she is enrolled in the course of instruction under the hunter education program
7 and he or she is carrying the firearm in a case and unloaded to or from that class
8 under the supervision of ~~a~~ his or her parent or guardian, or by a person at least 18
9 years of age who is designated by the parent or guardian, or is handling or operating
10 the firearm during that class under the supervision of an instructor.

11 **SECTION 5.** 29.304 (2) (a) of the statutes is amended to read:

12 29.304 (2) (a) *Restrictions on hunting.* No person 12 years of age or older but
13 under 14 years of age may hunt unless he or she is accompanied by ~~a~~ his or her
14 parent or guardian, or by a person at least 18 years of age who is designated by the
15 parent or guardian.

16 **SECTION 6.** 29.304 (2) (b) 1. of the statutes is amended to read:

17 29.304 (2) (b) 1. Is accompanied by ~~a~~ his or her parent or guardian or by a
18 person at least 18 years of age who is designated by the parent or guardian; or

19 **SECTION 7.** 29.304 (3) (a) 1. of the statutes is amended to read:

20 29.304 (3) (a) 1. Is accompanied by ~~a~~ his or her parent or guardian or by a
21 person at least 18 years of age who is designated by the parent or guardian;

22 **SECTION 8.** 29.304 (3) (b) 1. of the statutes is amended to read:

23 29.304 (3) (b) 1. Is accompanied by ~~a~~ his or her parent or guardian or by a
24 person at least 18 years of age who is designated by the parent or guardian;

25 **SECTION 9.** 29.304 (4m) of the statutes is created to read:

SENATE BILL 167

1 **29.304 (4m)** HUNTING MENTORSHIP PROGRAM. The prohibition specified in sub.
2 (1) (a) and the restrictions specified in subs. (1) (b) to (d), (2), and (3) do not apply to
3 a person who is hunting with a mentor and who complies with the requirements
4 specified under s. 29.592.

5 **SECTION 10.** 29.304 (5) of the statutes is renumbered 29.304 (5) (a) and
6 amended to read:

7 **29.304 (5) (a)** Notwithstanding subs. (1) to (3), a person 12 years of age or older
8 may possess or control a firearm and may hunt with a firearm ~~or~~ bow and arrow, or
9 crossbow on land under the ownership of the person or the person's family if no
10 license is required and if the firing of firearms is permitted on that land.

11 **SECTION 11.** 29.304 (5) (b) of the statutes is created to read:

12 **29.304 (5) (b)** The restrictions on the possession and control of a firearm under
13 sub. (1) do not apply to a person using a firearm in target practice if he or she is
14 accompanied by his or her parent or guardian or by a person at least 18 years of age
15 who is designated by the parent or guardian.

16 **SECTION 12.** 29.563 (2) (a) 4. of the statutes is amended to read:

17 **29.563 (2) (a) 4.** ~~Small game issued to 12-year-olds to 17-year-olds persons~~
18 who are under 18 years of age: \$6.25.

19 **SECTION 13.** 29.563 (2) (a) 5g. of the statutes is amended to read:

20 **29.563 (2) (a) 5g.** ~~Deer issued to 12-year-olds to 17-year-olds persons who are~~
21 under 18 years of age: \$17.25.

22 **SECTION 14.** 29.563 (2) (a) 8m. of the statutes is amended to read:

23 **29.563 (2) (a) 8m.** ~~Archer issued to 12-year-olds to 17-year-olds persons who~~
24 are under 18 years of age: \$17.25.

25 **SECTION 15.** 29.563 (2m) of the statutes is amended to read:

SENATE BILL 167**SECTION 15**

1 **29.563 (2m)** HUNTING APPROVALS FOR CERTAIN NONRESIDENTS. The fees for
2 hunting approvals for a ~~12 to 17 year-old~~ person who is under 18 years of age, who
3 is not a resident, and who exhibits proof that his or her parent is a resident shall be
4 the same as the fees for hunting approvals for residents under sub. (2) (a) and (c).

5 **SECTION 16.** 29.563 (4) (a) 1m. of the statutes is amended to read:

6 **29.563 (4)** (a) 1m. Sports issued to ~~12-year-olds to 17-year-olds~~ persons who
7 are under 18 years of age: \$32.25 or a greater amount at the applicant's option.

8 **SECTION 17.** 29.563 (4) (a) 2m. of the statutes is amended to read:

9 **29.563 (4)** (a) 2m. Conservation patron issued to ~~12-year-olds to 17-year-olds~~
10 persons who are under 18 years of age: \$70.25 or a greater amount at the applicant's
11 option.

12 **SECTION 18.** 29.563 (4) (b) 1m. of the statutes is amended to read:

13 **29.563 (4)** (b) 1m. Sports issued to ~~12-year-olds to 17-year-olds~~ persons who
14 are under 18 years of age: \$33.25 or a greater amount at the applicant's option.

15 **SECTION 19.** 29.563 (4) (b) 2m. of the statutes is amended to read:

16 **29.563 (4)** (b) 2m. Conservation patron issued to ~~12-year-olds to 17-year-olds~~
17 persons who under than 18 years of age: \$72.25 or a greater amount at the
18 applicant's option.

19 **SECTION 20.** 29.592 of the statutes is created to read:

20 **29.592 Hunting mentorship program. (1)** A person who is at least 10 years
21 of age may hunt in this state without obtaining a certificate of accomplishment under
22 s. 29.591 and may, while hunting, possess or control a firearm if all of the following
23 apply:

24 (a) At all times when hunting, the person is within arm's reach of a mentor who
25 meets the qualifications under sub. (2).

SENATE BILL 167

1 (b) The person holds a hunting approval.

2 **(2)** No person may serve as a qualified mentor for a hunter unless the person
3 meets all of the following requirements:

4 (a) The person is 18 years of age or older.

5 (b) The person is the parent or guardian of the person for whom he or she is
6 serving as a mentor or is authorized by the parent or guardian to serve as a mentor.

7 This requirement does not apply to a person serving as a mentor for a person who
8 is 18 years of age or older.

9 (c) At all times when serving as a mentor, the person is within arm's reach of
10 the person for whom he or she is serving as a mentor.

11 (d) The person has been issued a certificate of accomplishment under s. 29.591
12 or, if serving as a mentor for hunting elk, under s. 29.595 unless the person was born
13 before January 1, 1973, and is not required to obtain a certificate of accomplishment.

14 (e) The person holds a current valid hunting approval.

15 **(3)** A person who is authorized to hunt with a mentor under this section and
16 a mentor under this section with whom that person hunts may jointly have only one
17 firearm, or if hunting with a crossbow is authorized under s. 29.171 (4) or 29.193 (2),
18 only one crossbow in their possession or control while hunting.

19 **(4)** A mentor under this section may take only one person hunting at a time for
20 whom he or she is serving as a mentor.

21 **(5)** The requirements under subs. (1) (b) and (2) (e) do not apply to a person who
22 is authorized to hunt without a hunting approval under s. 29.337 (1), 95.55 (5), or
23 169.19 (5).

24 **SECTION 21.** 29.593 (1) (a) of the statutes is amended to read:

SENATE BILL 167**SECTION 21**

1 29.593 (1) (a) Except as provided under subs. (2), (2m) and (3), and s. 29.592
2 (1), no person born on or after January 1, 1973, may obtain any approval authorizing
3 hunting unless the person is issued a certificate of accomplishment under s. 29.591.

4 **SECTION 22.** 169.20 (1) (a) of the statutes is amended to read:

5 169.20 (1) (a) The department shall issue a bird dog training license to any
6 individual who is at least ~~12~~ 10 years of age who files a proper application and who
7 pays the applicable fee. If the department issues a bird dog training license to an
8 individual who is under 12 years of age, the individual is subject to the restrictions
9 specified under s. 29.592.

10 **SECTION 23.** 169.20 (2) (a) of the statutes is amended to read:

11 169.20 (2) (a) The department shall issue a hound dog training license to any
12 individual who is at least ~~12~~ 10 years of age who files a proper application and who
13 pays the applicable fee. If the department issues a hound dog training license to an
14 individual who is under 12 years of age, the individual is subject to the restrictions
15 specified under s. 29.592.

16 **SECTION 24.** 169.33 (2) (d) of the statutes is amended to read:

17 169.33 (2) (d) An individual who applies for a bird dog training license or a
18 hound dog training license shall be at least ~~12~~ 10 years of age. If the applicant is
19 under 12 years of age, the applicant is subject to the restrictions specified under s.
20 29.592.

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(END)