



2013 SENATE BILL 210

June 5, 2013 – Introduced by Senators KEDZIE and S. FITZGERALD, cosponsored by Representatives KLEEFISCH and T. LARSON. Referred to Natural Resources.

1 **AN ACT** *to renumber and amend* 29.038 (3); and *to create* 29.038 (3) (b) of the
2 statutes; **relating to:** restrictions imposed by local governmental units on
3 hunting with a bow and arrow or crossbow.

Analysis by the Legislative Reference Bureau

Current law generally prohibits a local governmental unit from enacting or adopting any ordinance or restriction (restriction) that regulates hunting, fishing, trapping, or management of wild animals except on land the local governmental unit owns or leases or unless state law specifically authorizes the local governmental unit to enact or adopt such restriction. Current statutes also specify that a local governmental unit may enact or adopt a restriction that has an incidental effect on hunting, fishing, or trapping, but only if the primary purpose is to further public health or safety.

This bill provides, with exceptions, that a local governmental unit may not enact or adopt a restriction that prohibits hunting with a bow and arrow or crossbow within the jurisdiction of that local governmental unit. Under one exception provided in the bill, a local governmental unit may prohibit a person from hunting with a bow and arrow or crossbow within a specified distance, not to exceed 100 yards, of a building used for human occupancy that is located on another person's land. The bill specifies that the enacted or adopted restriction must provide that it does not apply if the person who owns the land on which the building is located allows the hunter to hunt with a bow and arrow or crossbow within the specified distance of the building. The bill also allows a local governmental unit to require a person who

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hunts with a bow and arrow or crossbow to discharge the arrow or bolt from the respective weapon toward the ground.

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

1 **SECTION 1.** 29.038 (3) of the statutes is renumbered 29.038 (3) (a) and amended
2 to read:

3 29.038 (3) (a) ~~A~~ Except as provided in par. (b), a local governmental unit may
4 enact an ordinance or adopt a regulation, resolution or other restriction that has an
5 incidental effect on hunting, fishing or trapping, but only if the primary purpose is
6 to further public health or safety.

7 **SECTION 2.** 29.038 (3) (b) of the statutes is created to read:

8 29.038 (3) (b) 1. In this paragraph:

9 a. “Building” means a permanent structure used for human occupancy and
10 includes a manufactured home, as defined in s. 101.91 (2).

11 b. “Restriction” means an ordinance, regulation, resolution, or other restriction
12 enacted or adopted by a local governmental unit.

13 2. Except as provided in subd. 3., a local governmental unit may not enact or
14 adopt a restriction that prohibits a person from hunting with a bow and arrow or
15 crossbow within the jurisdiction of that local governmental unit.

16 3. A local governmental unit may enact or adopt a restriction that does any of
17 the following:

18 a. Prohibits a person from hunting with a bow and arrow or crossbow within
19 a specified distance, not to exceed 100 yards, from a building located on another
20 person’s land. A restriction enacted or adopted under this subd. 3. a. shall provide
21 that the restriction does not apply if the person who owns the land on which the

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1 building is located allows the hunter to hunt within the specified distance of the
2 building.

3 b. Requires a person who hunts with a bow and arrow or crossbow to discharge
4 the arrow or bolt from the respective weapon toward the ground.

5 (END)