



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3561/1
RNK:ahe

2015 SENATE BILL 338

October 15, 2015 – Introduced by Senators MOULTON, GUDEX, HARSDORF, OLSEN and KAPENGA, cosponsored by Representatives JARCHOW, ALLEN, BALLWEG, BORN, CZAJA, EDMING, GANNON, HORLACHER, HUTTON, JAGLER, KLEEFISCH, KNODL, KREMER, KULP, T. LARSON, MURPHY, MURSAU, A. OTT, PETRYK, QUINN, TITTL and SINICKI. Referred to Committee on Sporting Heritage, Mining, and Forestry.

1 **AN ACT** *to amend* 29.083 (1), 29.083 (2) (a) (intro.), 29.083 (2) (a) 5., 29.083 (3)
2 and 29.971 (11r) (a); and *to create* 29.083 (2) (a) 6., 29.083 (2) (a) 7., 29.083 (2)
3 (a) 8. and 29.971 (11r) (am) of the statutes; **relating to:** interfering with
4 hunting, fishing, and trapping and providing criminal penalties.

Analysis by the Legislative Reference Bureau

This bill makes changes to the laws prohibiting certain activities that interfere with hunting, fishing, and trapping.

Current law prohibits a person from engaging in certain intentional conduct that interferes with lawful hunting, fishing, or trapping. The conduct prohibited under current law (prohibited conduct) includes harassing a wild animal, impeding or obstructing a person who is engaged in lawful hunting, fishing, or trapping, or impeding a person who is engaged in an activity associated with lawful hunting, fishing, or trapping. Current law generally defines an activity associated with lawful hunting, fishing, or trapping, as travel, camping, or other acts that are preparatory to lawful hunting, fishing, or trapping. This bill expands this definition so that it also includes scouting, target shooting, dog training, and animal baiting or feeding.

The bill also expands the prohibitions in current law so that a person may not interfere or attempt to interfere with an activity associated with lawful hunting, fishing, or trapping by engaging in prohibited conduct. The bill also expands the types of conduct prohibited to include disturbing a lawfully placed hunting stand, disturbing lawfully placed bait or other feed, using a drone under certain circumstances, and engaging in a series of acts (serial conduct) that are intended to

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impede or obstruct a person engaged in lawful hunting, fishing, or trapping or an activity associated with lawful hunting, fishing, or trapping. The types of serial conduct prohibited include maintaining a visual or physical proximity to the person, approaching or confronting the person, or photographing the person.

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

1 **SECTION 1.** 29.083 (1) of the statutes is amended to read:

2 29.083 (1) DEFINITION. In this section, “activity associated with lawful hunting,
3 fishing, or trapping” means travel, camping, scouting, target shooting, dog training,
4 animal baiting or feeding, or other acts that are preparatory to lawful hunting,
5 fishing, or trapping and that are done by a hunter, fisher, or trapper or by a member
6 of a hunting, fishing, or trapping party.

7 **SECTION 2.** 29.083 (2) (a) (intro.) of the statutes is amended to read:

8 29.083 (2) (a) (intro.) No person may interfere or attempt to interfere with
9 lawful hunting, fishing, or trapping with the intent to prevent the taking of a wild
10 animal, or interfere or attempt to interfere with an activity associated with lawful
11 hunting, fishing, or trapping, by doing any of the following:

12 **SECTION 3.** 29.083 (2) (a) 5. of the statutes is amended to read:

13 29.083 (2) (a) 5. Disturbing a lawfully placed hunting blind or stand.

14 **SECTION 4.** 29.083 (2) (a) 6. of the statutes is created to read:

15 29.083 (2) (a) 6. Disturbing lawfully placed bait or other material used to feed
16 or attract a wild animal.

17 **SECTION 5.** 29.083 (2) (a) 7. of the statutes is created to read:

18 29.083 (2) (a) 7. Engaging in a series of 2 or more acts carried out over time,
19 however short or long, that show a continuity of purpose and that are intended to
20 impede or obstruct a person who is engaged in lawful hunting, fishing, or trapping,

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1 or an activity associated with lawful hunting, fishing, or trapping, including any of
2 the following:

- 3 a. Maintaining a visual or physical proximity to the person.
- 4 b. Approaching or confronting the person.
- 5 c. Photographing, videotaping, audiotaping, or through other electronic means,
6 monitoring or recording the activities of the person. This subd. 7. c. applies
7 regardless of where the act occurs.
- 8 d. Causing a person to engage in any of the acts described in subd. 7. a. to c.

9 **SECTION 6.** 29.083 (2) (a) 8. of the statutes is created to read:

10 29.083 (2) (a) 8. Using a drone, as defined in s. 941.292 (1), to conduct any
11 activity prohibited under subds. 1. to 7.

12 **SECTION 7.** 29.083 (3) of the statutes is amended to read:

13 29.083 (3) EXEMPTIONS. This section does not apply to actions under sub. (2) (a)
14 1. to ~~5.~~ 8. performed by wardens and other law enforcement officers if the actions are
15 authorized by law ~~and are necessary for the performance of their official duties.~~

16 **SECTION 8.** 29.971 (11r) (a) of the statutes is amended to read:

17 29.971 (11r) (a) For the violation of s. 29.083 (2) (a), by a forfeiture of not more
18 than \$500, except as provided in par. (am).

19 **SECTION 9.** 29.971 (11r) (am) of the statutes is created to read:

20 29.971 (11r) (am) 1. For the violation of s. 29.083 (2) (a) by a person who violated
21 s. 29.083 (2) (a) one time within the 5 years immediately preceding the conviction for
22 the current violation, by a fine not to exceed \$1,000 or imprisonment not to exceed
23 90 days or both.

24 2. For the violation of s. 29.083 (2) (a) by a person who violated s. 29.083 (2) (a)
25 2 or more times within the 5 years immediately preceding the conviction for the

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SECTION 9

1 current violation, by a fine not to exceed \$10,000 or imprisonment not to exceed 9
2 months or both.

3 **SECTION 10. Initial applicability.**

4 (1) This act first applies to violations committed on the effective date of this
5 subsection, but does not preclude the counting of other violations as prior violations
6 for purposes of sentencing a person.

7 (END)