

2017 DRAFTING REQUEST

**Bill**

For: **David Craig (608) 266-5400** Drafter: **zwyatt**  
 By: **Chad** Secondary Drafters:  
 Date: **6/13/2017** May Contact:  
 Same as LRB: **-3725**

Submit via email: **YES**  
 Requester's email: **Sen.Craig@legis.wisconsin.gov**  
 Carbon copy (CC) to: **zachary.wyatt@legis.wisconsin.gov**  
**elisabeth.shea@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Authority of a warden to enter private property to enforce fish and game, conservation, and environmental laws

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	zwyatt 6/13/2017	kfollett 6/13/2017	mbarman 6/13/2017	lparisi 6/13/2017	

FE Sent For:

<END>

*not needed*

## Wyatt, Zachary

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**From:** Shea, Elisabeth  
**Sent:** Tuesday, June 13, 2017 11:21 AM  
**To:** Wyatt, Zachary  
**Subject:** Fwd: 3725

Could you do this for me?

Begin forwarded message:

**From:** "Sands, Mitch" <[Mitch.Sands@legis.wisconsin.gov](mailto:Mitch.Sands@legis.wisconsin.gov)>  
**Date:** June 13, 2017 at 11:15:15 AM CDT  
**To:** "Shea, Elisabeth" <[Elisabeth.Shea@legis.wisconsin.gov](mailto:Elisabeth.Shea@legis.wisconsin.gov)>  
**Cc:** "Taylor, Chad" <[Chad.Taylor@legis.wisconsin.gov](mailto:Chad.Taylor@legis.wisconsin.gov)>  
**Subject:** 3725

Lis,

Please jacket LRB 3725/P1 for introduction and please prepare a Senate companion for Senator Craig's office.

Thanks,

Mitch

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### **Mitch Sands**

Research Assistant  
Office of Representative Adam Jarchow  
Assembly District 28  
[Mitch.Sands@legis.wi.gov](mailto:Mitch.Sands@legis.wi.gov)  
608.267.2366

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Growing and harvesting trees provides family supporting jobs for thousands of our fellow Wisconsinites.



## 2017 BILL

1 AN ACT *to create* 23.10 (7) of the statutes; **relating to:** the authority of a  
2 conservation warden to enter private land and the admissibility of evidence.

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### *Analysis by the Legislative Reference Bureau*

Under current law, conservation wardens are appointed by the Department of Natural Resources to enforce the laws DNR is required to administer, including fish and game laws, conservation laws, and environmental laws. This bill generally prohibits a DNR conservation warden from entering private land for the purpose of enforcing the laws DNR is required to administer unless the warden has reasonable suspicion that a violation of such a law has occurred or is occurring. Under the bill, if a warden enters private land to enforce such a law without reasonable suspicion of a violation, any evidence the warden collects of such a violation is not admissible in evidence in a prosecution of that violation.

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

3 SECTION 1. 23.10 (7) of the statutes is created to read:  
4 23.10 (7) (a) Except as provided in par. (b), a conservation warden may not  
5 enter private land for the purpose of enforcing the laws that the department is

**BILL**

**SECTION 1**

1 required to administer unless the warden has reasonable suspicion that a violation  
2 of one of those laws has occurred or is occurring.

3 (b) Paragraph (a) does not apply if a conservation warden is explicitly  
4 authorized by statute to enter private land.

5 (c) Evidence of a violation of a law that the department is required to  
6 administer that is collected as a result of a conservation warden's entrance onto  
7 private land in contravention of par. (a) is not admissible in evidence in a prosecution  
8 of that law violation.

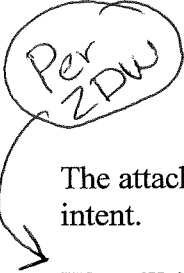
9 (END)

**Barman, Mike**

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**From:** LRB.Legal  
**To:** Sen.Craig  
**Subject:** Draft review: LRB -3756/1  
**Attachments:** 17-3756/1

Per  
ZPW



**State of Wisconsin - Legislative Reference Bureau**  
**One East Main Street - Suite 200 - Madison**

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent.

**We will jacket this draft for introduction in the Senate.**

If you have any questions concerning the draft or would like to have it redrafted, please contact Zachary Wyatt, Legislative Attorney, at (608) 267-3362, at [zachary.wyatt@legis.wisconsin.gov](mailto:zachary.wyatt@legis.wisconsin.gov), or at One East Main Street, Suite 200.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at [LRB.Legal@legis.wisconsin.gov](mailto:LRB.Legal@legis.wisconsin.gov) or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

**Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.**