2017 SENATE BILL 551

November 20, 2017 - Introduced by Senator MOULTON, cosponsored by Representatives KLEEFISCH, MILROY, MURSAU, CROWLEY, HORLACHER, THIESFELDT and TITTL. Referred to Committee on Sporting Heritage, Mining and Forestry.

AN ACT to amend 29.091 (1), 29.161 (2), 29.164 (2) (b), 29.173 (2) (a), 29.182 (3) (a), 29.184 (3) (c), 29.185 (6) (a) 1., 29.185 (6) (b), 29.193 (2) (d), 29.204 (2), 29.207 (2), 29.211 (2), 29.213 (2), 29.304 (title), 29.304 (1) (a), 29.304 (1) (b), 29.304 (2) (b) (intro.), 29.304 (2) (b) 2., 29.304 (3) (b) (intro.), 29.304 (3) (b) 2., 29.304 (5) (a), 29.304 (5) (b) 2., 29.312 (2), 29.314 (3) (a), 29.314 (3) (b) 4., 29.314 (4) (a), 29.324 (1) (b), 29.324 (1) (c), 29.592 (1) (intro.), 29.592 (3) and 29.621 (4) (intro.); and to create 29.001 (5), 29.001 (41s) and 29.014 (1s) of the statutes; relating to: hunting with a high-powered air rifle or an airbow and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

Under this bill, a person may hunt an animal with a high-powered air rifle or an airbow in a season open to hunting that animal with a firearm. The bill defines “high-powered air rifle” as a weapon originally manufactured to expel a projectile at a speed of not less than 1,000 feet per second by the expansion of compressed air. The bill defines “airbow” as a weapon originally manufactured to fire an arrow by the expansion of compressed air.

Under current law, the Department of Natural Resources is authorized to establish open and closed seasons for the hunting of wild animals. DNR issues
hunting licenses that authorize the hunting of specified animals and those licenses specify the type of weapon that may be used when hunting under those licenses.

Under the bill, if DNR establishes an open season for hunting an animal with a firearm, the season must also be open for hunting that animal with a high-powered air rifle or an airbow. The bill also provides that each license that currently authorizes the hunting of an animal with a firearm also authorizes the hunting of that animal with a high-powered air rifle or an airbow.

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

SECTION 1. 29.001 (5) of the statutes is created to read:

29.001 (5) “Airbow” means a weapon originally manufactured to fire an arrow by the expansion of compressed air, but does not include an airgun.

SECTION 2. 29.001 (41s) of the statutes is created to read:

29.001 (41s) “High-powered air rifle” means a weapon originally manufactured to expel a projectile at a speed of not less than 1,000 feet per second by the expansion of compressed air, but does not include an airgun.

SECTION 3. 29.014 (1s) of the statutes is created to read:

29.014 (1s) If the department establishes an open season for hunting an animal with a firearm, the season shall also be open for hunting that animal with a high-powered air rifle or an airbow.

SECTION 4. 29.091 (1) of the statutes is amended to read:

29.091 (1) No person may hunt or trap within any wildlife refuge established under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession or control of any gun, firearm, high-powered air rifle, airbow, bow, or crossbow unless the gun or, firearm, high-powered air rifle, or airbow is unloaded, the bow or crossbow is unstrung, and the gun, firearm, high-powered air rifle, airbow, bow, or crossbow is enclosed within a carrying case. The taking of predatory game birds and
animals shall be done as the department directs. All state wildlife refuge boundary
lines shall be marked by posts placed at intervals of not over 500 feet and bearing
signs with the words “Wisconsin Wildlife Refuge”.

Section 5. 29.161 (2) of the statutes is amended to read:

29.161 (2) A resident small game hunting license authorizes hunting with a
firearm, airgun, high-powered air rifle, airbow, bow and arrow, or crossbow.

Section 6. 29.164 (2) (b) of the statutes is amended to read:

29.164 (2) (b) Type of hunting authorized. A license issued under this section
authorizes hunting with a firearm, high-powered air rifle, airbow, bow and arrow,
or crossbow.

Section 7. 29.173 (2) (a) of the statutes is amended to read:

29.173 (2) (a) A resident deer hunting license authorizes the hunting of deer
with a firearm, high-powered air rifle, airbow, bow and arrow, or crossbow.

Section 8. 29.182 (3) (a) of the statutes is amended to read:

29.182 (3) (a) A resident elk hunting license authorizes a resident of this state
to hunt elk with a firearm, high-powered air rifle, airbow, bow and arrow, or
crossbow.

Section 9. 29.182 (3) (b) of the statutes is amended to read:

29.182 (3) (b) A nonresident elk hunting license authorizes a nonresident of
this state to hunt elk with a firearm, high-powered air rifle, airbow, bow and arrow,
or crossbow.

Section 10. 29.184 (3) (c) of the statutes is amended to read:

29.184 (3) (c) Type of hunting authorized. A Class A bear license authorizes
hunting with a firearm, high-powered air rifle, airbow, bow and arrow, or crossbow.

Section 11. 29.185 (6) (a) 1. of the statutes is amended to read:
29.185 (6) (a) 1. A firearm or a high-powered air rifle, as authorized under par. (b), an airbow, a bow and arrow, or a crossbow.

**SECTION 12.** 29.185 (6) (b) of the statutes is amended to read:

29.185 (6) (b) **Firearms and ammunition.** A wolf harvesting license authorizes hunting with a rifle, a muzzle-loading firearm, a handgun, a shotgun that fires slugs or shotshells, a high-powered air rifle, and any other firearm that is loaded with a single slug or ball. A wolf harvesting license authorizes hunting with shot that is larger than size BB.

**SECTION 13.** 29.193 (2) (d) of the statutes is amended to read:

29.193 (2) (d) 1. A holder of a Class A or Class B permit may be accompanied by a person who is not eligible to apply for a Class A or Class B permit. The accompanying person may not hunt or carry a firearm, high-powered air rifle, airbow, bow, or crossbow unless that person has been issued the appropriate approval to do so. The assistance rendered by an accompanying person who has not been issued the appropriate approval is limited to field dressing, tagging, and retrieving game for the permit holder.

2. A holder of a Class C permit shall be accompanied by a person who is not eligible to apply for a permit under this section. The accompanying person may not hunt or carry a firearm, high-powered air rifle, airbow, bow, or crossbow unless the person has been issued the appropriate approval to do so. The assistance rendered by an accompanying person may include sighting the firearm, high-powered air rifle, airbow, bow, or crossbow, identifying the game, and field dressing, tagging, and retrieving game for the permit holder.

3. A holder of a Class D permit may use an adaptive device, as authorized by the department by rule, to facilitate the use of a firearm and may be accompanied
by a person who is not eligible to apply for a permit under this section. The
accompanying person may not hunt or carry a firearm, high-powered air rifle,
airbow, bow, or crossbow unless that person has been issued the appropriate
approval to do so. The assistance rendered by an accompanying person who has not
been issued the appropriate approval is limited to field dressing, tagging, and
retrieving game for the permit holder and any other assistance authorized by the
department by rule.

SECTION 14. 29.204 (2) of the statutes is amended to read:

29.204 (2) A nonresident annual small game hunting license authorizes
hunting with a firearm, high-powered air rifle, airgun, airbow, bow and arrow, or
crossbow.

SECTION 15. 29.207 (2) of the statutes is amended to read:

29.207 (2) A nonresident 5-day small game hunting license authorizes hunting
with a firearm, high-powered air rifle, airgun, airbow, bow and arrow, or crossbow.

SECTION 16. 29.211 (2) of the statutes is amended to read:

29.211 (2) Authorization. A nonresident deer hunting license authorizes the
hunting of deer with a firearm, high-powered air rifle, airbow, bow and arrow, or
crossbow.

SECTION 17. 29.213 (2) of the statutes is amended to read:

29.213 (2) A nonresident fur-bearing animal hunting license authorizes
hunting with a firearm, high-powered air rifle, airgun, airbow, bow and arrow, or
crossbow.

SECTION 18. 29.304 (title) of the statutes is amended to read:

29.304 (title) Restrictions on hunting and use of firearms,
high-powered air rifles, and airbows by persons under 16 years of age.
SECTION 19. 29.304 (1) (a) of the statutes is amended to read:

29.304 (1) (a) Prohibition on hunting. No person under 12 years of age may
hunt with a firearm, high-powered air rifle, airbow, bow and arrow, or crossbow.

SECTION 20. 29.304 (1) (b) of the statutes is amended to read:

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

SECTION 21. 29.304 (2) (b) (intro.) of the statutes is amended to read:

29.304 (2) (b) Restrictions on possession or control of a firearm, high-powered
air rifle, or airbow. (intro.) No person 12 years of age or older but under 14 years of
age may have in his or her possession or control any firearm, high-powered air rifle,
or airbow unless he or she:

SECTION 22. 29.304 (2) (b) 2. of the statutes is amended to read:

29.304 (2) (b) 2. Is enrolled in the course of instruction under the hunter
education program and is carrying the firearm, high-powered air rifle, or airbow in
a case and unloaded to or from that class or is handling or operating the firearm,
high-powered air rifle, or airbow during that class under the supervision of an
instructor.

SECTION 23. 29.304 (3) (b) (intro.) of the statutes is amended to read:
29.304 (3) (b) Restrictions on possession or control of a firearm, high-powered air rifle, or airbow. (intro.) No person 14 years of age or older but under 16 years of age may have in his or her possession or control any firearm, high-powered air rifle, or airbow unless he or she:

Section 24. 29.304 (3) (b) 2. of the statutes is amended to read:

29.304 (3) (b) 2. Is enrolled in the course of instruction under the hunter education program and is carrying the firearm, high-powered air rifle, or airbow in a case and unloaded to or from that class or is handling or operating the firearm, high-powered air rifle, or airbow during that class under the supervision of an instructor; or

Section 25. 29.304 (5) (a) of the statutes is amended to read:

29.304 (5) (a) Notwithstanding subs. (1) to (3), a person 12 years of age or older may possess or control a firearm and may hunt with a firearm, high-powered air rifle, airbow, bow and arrow, or crossbow on land under the ownership of the person or the person's family if no license is required and if the firing of firearms is permitted on that land.

Section 26. 29.304 (5) (b) 2. of the statutes is amended to read:

29.304 (5) (b) 2. The restrictions on the possession and control of a firearm, high-powered air rifle, or airbow under sub. (1) do not apply to a person using a firearm, high-powered air rifle, or airbow in target practice if he or she is accompanied by his or her parent or guardian or by a person at least 18 years of age who is designated by the parent or guardian.

Section 27. 29.312 (2) of the statutes is amended to read:

29.312 (2) The department may not promulgate or enforce a rule that prohibits a person from sighting a firearm, high-powered air rifle, or airbow on land owned
or leased by that person or a member of that person's immediate family during the 24-hour period prior to the opening date for hunting deer with firearms in any area where there is an open season for hunting deer with firearms.

### SECTION 28.
29.314 (3) (a) of the statutes is amended to read:

29.314 (3) (a) **Prohibition.** No person may use or possess with intent to use a light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in possession of a firearm, **high-powered air rifle, airbow, bow and arrow, or crossbow.**

### SECTION 29.
29.314 (3) (b) 4. of the statutes is amended to read:

29.314 (3) (b) 4. To the holder of a Class C permit issued under s. 29.193 (2) (c) 4. who uses a laser sighting device while hunting with a firearm, **high-powered air rifle, airbow, bow and arrow, or crossbow.**

### SECTION 30.
29.314 (4) (a) of the statutes is amended to read:

29.314 (4) (a) **Prohibition.** No person may use or possess with intent to use a light for shining wild animals while the person is hunting or in possession of a firearm, **high-powered air rifle, airbow, bow and arrow or crossbow.**

### SECTION 31.
29.324 (1) (b) of the statutes is amended to read:

29.324 (1) (b) **“Group deer hunting party”** means 2 or more hunters hunting in a group all using firearms, **high-powered air rifles, or airbows,** each of whom holds an individual license to hunt deer.

### SECTION 32.
29.324 (1) (c) of the statutes is amended to read:

29.324 (1) (c) **“Youth deer license”** means a license that is issued by the department to a person who is under the age of 18 and that authorizes the hunting of deer with a firearm, **high-powered air rifle, or airbow.**

### SECTION 33.
29.592 (1) (intro.) of the statutes is amended to read:
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29.592 (1) (intro.) A person who is at least 10 years of age may hunt in this state without obtaining a certificate of accomplishment under s. 29.591 and may, while hunting, possess or control a firearm, high-powered air rifle, or airbow if all of the following apply:

SECTION 34. 29.592 (3) of the statutes is amended to read:

29.592 (3) A person who is authorized to hunt with a mentor under this section and a mentor under this section with whom that person hunts may jointly have only one firearm, only one high-powered air rifle, only one airbow, only one bow, or only one crossbow in their possession or control while hunting.

SECTION 35. 29.621 (4) (intro.) of the statutes is amended to read:

29.621 (4) PROTECTION. (intro.) Except as provided in s. 29.091 (1), no owner of a wildlife refuge, and no other person, may hunt or trap within the boundaries of any wildlife refuge or have in his or her possession or under his or her control in the wildlife refuge a gun, firearm, high-powered air rifle, airbow, bow, or crossbow, unless the gun or firearm, high-powered air rifle, or airbow is unloaded, the bow or crossbow is unstrung, and the gun, firearm, high-powered air rifle, airbow, bow, or crossbow is enclosed within a carrying case. This subsection, as it relates to the possession or control of a loaded or unencased firearm, does not apply to any of the following:

(END)