

**2019 DRAFTING REQUEST**

**Bill**

For: **Joan Ballweg (608) 266-8077** Drafter: **eshea**  
 By: **Amanda** Secondary Drafters:  
 Date: **1/24/2019** May Contact:

Same as LRB: **-2437**

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

**Pre Topic:**

No specific pre topic given

**Topic:**

Placing, possessing, or transporting bows and crossbows in or on a vehicle, motorboat, ATV, or UTV

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	eshea 1/31/2019	aernstr 2/5/2019			
/P1	eshea 2/28/2019	aernstr 3/5/2019	mbarman 2/5/2019		
/P2			dwalker 3/5/2019		
/1			dwalker 3/13/2019	dwalker 5/9/2019	

FE Sent For:

<END>

↳ Not  
Needed

## Shea, Elisabeth

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**From:** Graham, Amanda  
**Sent:** Thursday, January 31, 2019 2:03 PM  
**To:** Shea, Elisabeth  
**Subject:** RE: Draft Crossbow Legislation

Hello,

Yes, I believe that is what he was getting at. Thank you for clarifying!

Amanda Graham  
*Office of Representative Joan Ballweg*  
608.266.8077

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**From:** Shea, Elisabeth <Elisabeth.Shea@legis.wisconsin.gov>  
**Sent:** Thursday, January 31, 2019 1:06 PM  
**To:** Graham, Amanda <Amanda.Graham@legis.wisconsin.gov>  
**Subject:** RE: Draft Crossbow Legislation

Hi Amanda,

Sorry for the delay in this – the weather and school closings have interfered this week. As I look into this issue, I may need some clarification.

With respect to the request to add bows to the exceptions under 167.31 (2) (a) 2. and (b) 2., the draft (LRB-2725/P2) removes from those provisions the requirement that a crossbow be enclosed in a carrying case in order to be transported in a motorboat or vehicle, but still requires the crossbow to be unloaded, or not cocked if it is loaded. Current law under 167.31 (2) (a) 2. and (b) 2. already allows a bow to be transported in a motorboat or vehicle as long as it “does not have an arrow nocked.” There is no current law requirement that a bow also be in a carrying case.

So, if what your constituent wants is for bows to be able to be transported without being in a case, that is already allowed. Is there something else that your constituent is trying to get at? I am including the relevant statutory language below:

167.31 (2) (a) Except as provided in sub. (4), no person may place, possess, or transport a firearm, bow, or crossbow in or on a motorboat with the motor running, unless one of the following applies:

1. The firearm is unloaded or is a handgun.
2. The bow does not have an arrow nocked.
3. The crossbow is not cocked ~~or is unloaded and enclosed in a carrying case.~~

(b) Except as provided in sub. (4), no person may place, possess, or transport a firearm, bow, or crossbow in or on a vehicle, unless one of the following applies:

1. The firearm is unloaded or is a handgun.
2. The bow does not have an arrow nocked.
3. The crossbow is not cocked ~~or is unloaded and enclosed in a carrying case.~~

Lis

**Elisabeth H. Shea**

Senior Legislative Attorney

Wisconsin Legislative Reference Bureau

P.O. Box 2037

Madison, WI 53701-2037

(608) 504-5885

[elisabeth.shea@legis.wisconsin.gov](mailto:elisabeth.shea@legis.wisconsin.gov)

*The information contained in this communication may be confidential and protected by the attorney-client privilege.*

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**From:** Graham, Amanda <[Amanda.Graham@legis.wisconsin.gov](mailto:Amanda.Graham@legis.wisconsin.gov)>

**Sent:** Wednesday, January 23, 2019 1:37 PM

**To:** Shea, Elisabeth <[Elisabeth.Shea@legis.wisconsin.gov](mailto:Elisabeth.Shea@legis.wisconsin.gov)>

**Subject:** Draft Crossbow Legislation

Hello,

Last session, you drafted LRB-2725/P2 for our office relating to placing and transporting a crossbow, and we were wondering if you could re-draft that for us with a few changes. We drafted it as draft language to present to conservation congress meetings for one of our constituents, and they came back with a few adjustments they would like to see. At 167.31 (2) (a) 3. – they wanted to add bow as well as crossbow. They wanted to do the same at 167.31 (2) (b) 3. Additionally, they wanted to add “bow or crossbow” after firearm at 167.31 (4) (ag). Please let me know if you have any questions or would like me to clarify.

Thank you,

Amanda Graham

*Office of Representative Joan Ballweg*

608.266.8077

**2019-2020 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1598/?ins  
EHS:...

1

*so*  
**INSERT A**

Under current law, a firearm, bow, or crossbow may not be placed, possessed, or transported in or on a motorboat or vehicle, except that the restrictions on placing or possessing a firearm on a vehicle do not apply if the vehicle is stationary. Also under current law, a bow or crossbow may not be possessed by a person operating an all-terrain vehicle or utility terrain vehicle, unless the bow does not have an arrow nocked or the crossbow is not cocked or is unloaded and enclosed in a carrying case. ✓

This bill adds that the restrictions on placing or possessing a bow or crossbow on a vehicle do not apply if the vehicle is stationary, and the restrictions on possessing a crossbow while operating an ATV or UTV *do* not apply when the ATV or UTV is stationary. Also under this bill, a cocked but unloaded crossbow may be outside a carrying case. ✓

2

**INSERT**

3

**SECTION 1.** 167.31 (4) (ag) of the statutes is amended to read:

4

**SECTION 2.** 167.31 (4) (ag) of the statutes is amended to read:

5

167.31 (4) (ag) Subsection (2) (b) ~~1.~~ does not apply to a firearm, bow, or crossbow

6

that is placed or possessed on a vehicle that is stationary.

**History:** 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246; 2011 a. 32, 35, 51, 180, 265; 2017 a. 171; s. 13.92 (1) (bm) 2.

**Cross-reference:** See also ss. NR 10.001, 10.05, and 10.07, Wis. adm. code.



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-5725/P2  
EHS:kjt

1598/P1  
De  
ahe

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

In 1/31  
Due 2/5

sa ✓  
regh

1 **AN ACT to renumber and amend 23.33 (3) (eg); and to amend 23.33 (3c) (title),**  
2 **23.33 (3c) (b), 167.31 (2) (a) 3. and 167.31 (2) (b) 3. of the statutes; relating to:**  
3 **placing, possessing, or transporting a <sup>firearm, bow, or</sup> crossbow in or on a motorboat, vehicle,**  
4 **all-terrain vehicle, or utility terrain vehicle.**

**Analysis by the Legislative Reference Bureau**

Under current law, a crossbow may not be placed, possessed, or transported in or on a motorboat or vehicle, and may not be possessed by a person operating an all-terrain vehicle or utility terrain vehicle, unless the crossbow is not cocked or is unloaded and enclosed in a carrying case. Under this bill, a cocked but unloaded crossbow may be outside a carrying case. Also under the bill, the restrictions on possessing a crossbow while operating an ATV or UTV do not apply when the ATV or UTV is stationary.

firearm, bow, or a bow or crossbow  
how does not have an arrow nocked or the

INS/NSA

INS  
A.

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

5 **SECTION 1.** 23.33 (3) (eg) of the statutes is renumbered 23.33 (3c) (am) and  
6 amended to read:

1           23.33 (3c) (am) ~~With~~ No person may operate an all-terrain vehicle or utility  
2 terrain vehicle with any crossbow in his or her possession unless the crossbow is not  
3 cocked or is unloaded and ~~enclosed in a carrying case.~~

4           ✦ SECTION 2. 23.33 (3c) (title) of the statutes is amended to read:

5           23.33 (3c) (title) OPERATION WITH FIREARMS OR CROSSBOWS.

6           ✦ SECTION 3. 23.33 (3c) (b) of the statutes is amended to read:

7           23.33 (3c) (b) ~~Paragraph Paragraphs~~ (a) ~~does~~ and (am) do not apply to a firearm  
8 or crossbow that is placed or possessed on an all-terrain vehicle or utility terrain  
9 vehicle that is stationary, as defined in s. 167.31 (1) (fg).

10          ✦ SECTION 4. 167.31 (2) (a) 3. of the statutes is amended to read:

11          167.31 (2) (a) 3. The crossbow is not cocked or is unloaded and ~~enclosed in a~~  
12 ~~carrying case.~~

13          ✦ SECTION 5. 167.31 (2) (b) 3. of the statutes is amended to read:

14          167.31 (2) (b) 3. The crossbow is not cocked or is unloaded and ~~enclosed in a~~  
15 ~~carrying case.~~

16

(END)

INS. 2.16



2/26/19 -1598

Roy - Rep. Ballweg

clarity in analysis what "vehicle" covers





State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1598/PD P2  
EHS:ahe

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

In 2/28

Due 3/5

**AN ACT** *to renumber and amend* 23.33 (3) (eg); and *to amend* 23.33 (3c) (title), 23.33 (3c) (b), 167.31 (2) (a) 3., 167.31 (2) (b) 3. and 167.31 (4) (ag) of the statutes; **relating to:** placing, possessing, or transporting a bow or crossbow in or on a motorboat, vehicle, all-terrain vehicle, or utility terrain vehicle.

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***Analysis by the Legislative Reference Bureau***

Under current law, a firearm, bow, or crossbow may not be placed, possessed, or transported in or on a motorboat or vehicle, except that the restrictions on placing or possessing a firearm on a vehicle do not apply if the vehicle is stationary. Also under current law, a bow or crossbow may not be possessed by a person operating an all-terrain vehicle or utility terrain vehicle, unless the bow does not have an arrow nocked or the crossbow is not cocked or is unloaded and enclosed in a carrying case.

This bill adds that the restrictions on placing or possessing a bow or crossbow on a vehicle do not apply if the vehicle is stationary, and the restrictions on possessing a crossbow while operating an ATV or UTV do not apply when the ATV or UTV is stationary. Also under this bill, a cocked but unloaded crossbow may be outside a carrying case.

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

**SECTION 1.** 23.33 (3) (eg) of the statutes is renumbered 23.33 (3c) (am) and amended to read:

23.33 (3c) (am) ~~With~~ No person may operate an all-terrain vehicle or utility terrain vehicle with any crossbow in his or her possession unless the crossbow is not cocked or is unloaded ~~and enclosed in a carrying case.~~

**SECTION 2.** 23.33 (3c) (title) of the statutes is amended to read:

23.33 (3c) (title) OPERATION WITH FIREARMS OR CROSSBOWS.

**SECTION 3.** 23.33 (3c) (b) of the statutes is amended to read:

23.33 (3c) (b) ~~Paragraph~~ Paragraphs (a) ~~does and (am) do~~ not apply to a firearm or crossbow that is placed or possessed on an all-terrain vehicle or utility terrain vehicle that is stationary, as defined in s. 167.31 (1) (fg).

**SECTION 4.** 167.31 (2) (a) 3. of the statutes is amended to read:

167.31 (2) (a) 3. The crossbow is not cocked or is unloaded ~~and enclosed in a carrying case.~~

**SECTION 5.** 167.31 (2) (b) 3. of the statutes is amended to read:

167.31 (2) (b) 3. The crossbow is not cocked or is unloaded ~~and enclosed in a carrying case.~~

**SECTION 6.** 167.31 (4) (ag) of the statutes is amended to read:

167.31 (4) (ag) Subsection (2) (b) ~~1.~~ does not apply to a firearm, bow, or crossbow that is placed or possessed on a vehicle that is stationary.

(END)

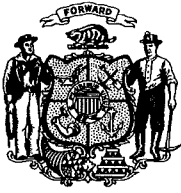
**2019-2020 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1598/P2ins  
EHS:ahc

**INSERT A**

α This bill adds that the restrictions on placing or possessing a bow or crossbow on a vehicle do not apply if the vehicle is stationary. A vehicle, in this context, includes every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except railroad trains and personal delivery devices. Δ

Under current law, a bow or crossbow may not be possessed by a person operating an all-terrain vehicle or utility terrain vehicle, unless the bow does not have an arrow nocked or the crossbow is not cocked or is unloaded and enclosed in a carrying case. This bill adds that



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1598/P2  
EHS:ahe

No  
change

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 **AN ACT** *to renumber and amend* 23.33 (3) (eg); and *to amend* 23.33 (3c) (title),  
2 23.33 (3c) (b), 167.31 (2) (a) 3., 167.31 (2) (b) 3. and 167.31 (4) (ag) of the statutes;  
3 **relating to:** placing, possessing, or transporting a bow or crossbow in or on a  
4 motorboat, vehicle, all-terrain vehicle, or utility terrain vehicle.

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***Analysis by the Legislative Reference Bureau***

Under current law, a firearm, bow, or crossbow may not be placed, possessed, or transported in or on a motorboat or vehicle, except that the restrictions on placing or possessing a firearm on a vehicle do not apply if the vehicle is stationary. This bill adds that the restrictions on placing or possessing a bow or crossbow on a vehicle do not apply if the vehicle is stationary. A vehicle, in this context, includes every device by which any person or property is or may be transported or drawn upon a highway, except railroad trains and personal delivery devices.

Under current law, a bow or crossbow may not be possessed by a person operating an all-terrain vehicle or utility terrain vehicle, unless the bow does not have an arrow nocked or the crossbow is not cocked or is unloaded and enclosed in a carrying case. This bill adds that the restrictions on possessing a crossbow while operating an ATV or UTV do not apply when the ATV or UTV is stationary. Also under this bill, a cocked but unloaded crossbow may be outside a carrying case.

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



**Walker, Dan**

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**From:** Johnson, Roy  
**Sent:** Thursday, May 09, 2019 9:49 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1598/1

Please Jacket LRB -1598/1 for the ASSEMBLY.



State of Wisconsin  
2019 - 2020 LEGISLATURE

CORRECTED COPY

LRB-1598/1 cjs  
EHS:ahe 10-22-19

2019 ASSEMBLY BILL 239

May 24, 2019 - Introduced by Representatives BALLWEG, STAFSHOLT, KNODL, KRUG, KURTZ, MURSAU, PRONSCHINSKE, SKOWRONSKI, SORTWELL and TUSLER, cosponsored by Senators OLSEN, FEYEN, MARKLEIN and SMITH. Referred to Committee on Sporting Heritage.

1 AN ACT to renumber and amend 23.33 (3) (eg); and to amend 23.33 (3c) (title),  
2 23.33 (3c) (b), 167.31 (2) (a) 3., 167.31 (2) (b) 3. and 167.31 (4) (ag) of the statutes;  
3 relating to: placing, possessing, or transporting a bow or crossbow in or on a  
4 motorboat, vehicle, all-terrain vehicle, or utility terrain vehicle.

with certain exceptions,  
**Analysis by the Legislative Reference Bureau**

Under current law, a firearm, bow, or crossbow may not be placed, possessed, or transported in or on a motorboat or vehicle, except that the restrictions on placing or possessing a firearm on a vehicle do not apply if the vehicle is stationary. This bill adds that the restrictions on placing or possessing a bow or crossbow on a vehicle do not apply if the vehicle is stationary. A vehicle, in this context, includes every device by which any person or property is or may be transported or drawn upon a highway, except railroad trains and personal delivery devices.

Under current law, a bow or crossbow may not be possessed by a person operating an all-terrain vehicle or utility terrain vehicle, unless the bow does not have an arrow nocked or the crossbow is not cocked or is unloaded and enclosed in a carrying case. This bill adds that the restrictions on possessing a crossbow while operating an ATV or UTV do not apply when the ATV or UTV is stationary. Also under this bill, a cocked but unloaded crossbow may be outside a carrying case.

INS  
A

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

which means not moving, regardless of whether the motor is running





**2019-2020 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1598/1ccins  
EHS:...

1

④

**INSERT A**

Under current law, one exception to the prohibition on placing, possessing, or transporting a crossbow on a motorboat or vehicle is if the crossbow is not cocked or is unloaded and enclosed in a carrying case, similar to the exception to the prohibition on possessing a crossbow while operating an ATV or UTV. Under this bill, these exceptions are changed so that the requirement to enclose an unloaded crossbow in a carrying case is eliminated and a crossbow must either be not cocked or unloaded.



cjs  
10-22-19  
after changes

## 2019 ASSEMBLY BILL 239

May 24, 2019 - Introduced by Representatives BALLWEG, STAFSHOLT, KNODL, KRUG, KURTZ, MURSAU, PRONSHINSKE, SKOWRONSKI, SORTWELL and TUSLER, cosponsored by Senators OLSEN, FEYEN, MARKLEIN and SMITH. Referred to Committee on Sporting Heritage.

1 **AN ACT to renumber and amend** 23.33 (3) (eg); and **to amend** 23.33 (3c) (title),  
2 23.33 (3c) (b), 167.31 (2) (a) 3., 167.31 (2) (b) 3. and 167.31 (4) (ag) of the statutes;  
3 **relating to:** placing, possessing, or transporting a bow or crossbow in or on a  
4 motorboat, vehicle, all-terrain vehicle, or utility terrain vehicle.

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### *Analysis by the Legislative Reference Bureau*

Under current law, with certain exceptions, a firearm, bow, or crossbow may not be placed, possessed, or transported in or on a motorboat or vehicle, except that the restrictions on placing or possessing a firearm on a vehicle do not apply if the vehicle is stationary. This bill adds that the restrictions on placing or possessing a bow or crossbow on a vehicle do not apply if the vehicle is stationary, which means not moving, regardless of whether the motor is running. A vehicle, in this context, includes every device by which any person or property is or may be transported or drawn upon a highway, except railroad trains and personal delivery devices.

Under current law, a bow or crossbow may not be possessed by a person operating an all-terrain vehicle or utility terrain vehicle, unless the bow does not have an arrow nocked or the crossbow is not cocked or is unloaded and enclosed in a carrying case. This bill adds that the restrictions on possessing a crossbow while operating an ATV or UTV do not apply when the ATV or UTV is stationary.

Under current law, one exception to the prohibition on placing, possessing, or transporting a crossbow on a motorboat or vehicle is if the crossbow is not cocked or is unloaded and enclosed in a carrying case, similar to the exception to the prohibition on possessing a crossbow while operating an ATV or UTV. Under this bill,

**ASSEMBLY BILL 239**

these exceptions are changed so that the requirement to enclose an unloaded crossbow in a carrying case is eliminated and a crossbow must either be not cocked or unloaded.

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

1           **SECTION 1.** 23.33 (3) (eg) of the statutes is renumbered 23.33 (3c) (am) and  
2 amended to read:

3           23.33 **(3c)** (am) ~~With~~ No person may operate an all-terrain vehicle or utility  
4 terrain vehicle with any crossbow in his or her possession unless the crossbow is not  
5 cocked or is unloaded ~~and enclosed in a carrying case.~~

6           **SECTION 2.** 23.33 (3c) (title) of the statutes is amended to read:

7           23.33 **(3c)** (title) OPERATION WITH FIREARMS OR CROSSBOWS.

8           **SECTION 3.** 23.33 (3c) (b) of the statutes is amended to read:

9           23.33 **(3c)** (b) ~~Paragraph~~ Paragraphs (a) ~~does and (am) do~~ not apply to a firearm  
10 or crossbow that is placed or possessed on an all-terrain vehicle or utility terrain  
11 vehicle that is stationary, as defined in s. 167.31 (1) (fg).

12           **SECTION 4.** 167.31 (2) (a) 3. of the statutes is amended to read:

13           167.31 **(2)** (a) 3. The crossbow is not cocked or is unloaded ~~and enclosed in a~~  
14 ~~carrying case.~~

15           **SECTION 5.** 167.31 (2) (b) 3. of the statutes is amended to read:

16           167.31 **(2)** (b) 3. The crossbow is not cocked or is unloaded ~~and enclosed in a~~  
17 ~~carrying case.~~

18           **SECTION 6.** 167.31 (4) (ag) of the statutes is amended to read:

