

CHAPTER 389

AN ACT to amend 23.09 (7) (m), 29.09 (1) and (12) and 29.643; and to create 29.52 (6m), 29.587, 29.645 and 29.66 of the statutes, relating to classification of streams, student hunting and fishing licenses, and the possession and use of fish and game.

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

SECTION 1. 23.09 (7) (m) of the statutes is amended to read:

23.09 (7) (m) To develop a program for classifying lakes *and streams* by use.

SECTION 2. 29.09 (1) and (12) of the statutes are amended to read:

29.09 (1) Except as expressly provided, no person shall: (a) hunt any wild animal, or (b) trap any game, or (c) take, catch or kill fish or fish for fish in inland water of this state unless a license therefor has been duly issued to him which shall be *carried with him at all times while hunting, trapping or fishing as the case may be and which shall be* exhibited to the conservation commission or its deputies on demand. Such licenses shall be issued to and obtained by only natural persons lawfully entitled thereto, and in case of resident hunting, trapping or fishing licenses, shall be issued only to persons who present to the county clerk or issuing agent definite proof of his identity, and that he is a legal resident of this state. No more than one of the same series shall be issued to the same person in any year. No person shall transfer his license or tag or permit the use thereof by any other persons, nor shall any person while hunting, trapping or fishing use or carry any license, tag or badge, issued to another. No hunting, fishing or trapping license, or tag shall be obtained by any person for another. No hunting license shall be issued to any person under the age of 12 years. Any person between the ages of 12 and 16 years may hunt only when accompanied by a parent or guardian, or by a person over 21 years of age designated by the parent or guardian. Indians hunting, fishing or trapping off Indian reservation lands are subject to all provisions of this chapter.

(12) ARMED FORCES; STUDENTS. Fishing licenses and small game hunting licenses * * * and deer hunting licenses shall be issued at resident fees by the commission and by the county clerks to any *student or to any member of the armed forces of the United States applying therefor, who * * * exhibits* proof that he is in active service with such armed forces and that he is stationed in Wisconsin or that he is a * * * *registered full-time undergraduate student in residence of a college or university, public or private, located in this state and offering a bachelor's degree.*

SECTION 3. 29.52 (6m) of the statutes is created to read:

29.52 (6m) No licensee shall sell or deliver any live fish for planting or stocking in any unlicensed lake, stream or pond unless a permit for such planting or stocking has been issued under s. 29.535.

SECTION 4. 29.587 of the statutes is created to read:

29.587 TRANSFER OF OWNERSHIP OF WILD ANIMALS. It is unlawful for any person licensed under ss. 29.574 to 29.58 or 29.585 to transfer ownership, possession or control of any live wild animal except to the holder of a license or permit authorizing such ownership, possession or control of such wild animal by the transferee.

SECTION 5. 29.643 of the statutes is amended to read:

29.643 Any person who * * * *changes or alters*, in any manner, or *enters other than the correct date of issuance* on any license issued under ch. 29 shall be * * * *fined* not less than \$100 nor more than \$200 * * * or imprisoned for not less than 30 days nor more than 6 months.

SECTION 6. 29.645 of the statutes is created to read:

29.645 LARCENY OF GAME. No person shall, without permission of the owner, molest, disturb or appropriate any wild animal or the carcass or part thereof which has been lawfully reduced to possession by another.

SECTION 7. 29.66 of the statutes is created to read:

29.66 DEPOSIT OF MONEY TO OBTAIN RELEASE FROM ARREST. (1) HOW DEPOSIT IS MADE. A person arrested without a warrant for a violation of any provision of this chapter, or any rule of the state conservation commission, or ss. 134.60, 346.19 and 346.94 (6) and (6m) for which a mandatory jail sentence is not prescribed, who is not released at the time of arrest or without necessary delay brought before a magistrate or court, shall be allowed to make a deposit of money to the office of the sheriff, city or village police headquarters or precinct stations or to the office of the clerk of the court before whom he is summoned to appear by going in the custody of the arresting officer and making such deposit.

(2) AMOUNT OF DEPOSIT. The amount of deposit shall be based on a predetermined schedule established by the court before whom the person arrested is to appear. The maximum amount which may be deposited shall not exceed the maximum fine and costs which may be imposed for the violation.

(3) RECEIPT. A receipt shall be furnished to the arrested person upon deposit of money specifying the offense for which arrested and the amount deposited. The form of such receipt shall be as required by the court.

(4) RELEASE FROM CUSTODY. If the arrested person is in custody he shall be released after he has made the deposit as specified in this section.

(5) DELIVERY TO COURT. Every person authorized by the court to accept the deposit shall, before the time fixed for the appearance of the defendant, deliver the deposit and a copy of the receipt to the court.

(6) PROCEEDINGS IN COURT. (a) If the defendant appears in court at the time directed, the case shall be tried as provided by law and the deposit returned to the defendant.

(b) If the defendant fails to appear in court at the time he is directed to appear, he is deemed to have tendered a plea of nolo contendere and submitted to a fine or forfeiture plus costs, not exceeding the amount of the deposit. The court may either accept the plea of nolo contendere and enter judgment accordingly or reject the plea and issue a warrant or summons under s. 945.02. If the court accepts the plea of nolo contendere, the defendant may move within 20 days to withdraw it and enter a plea of not guilty if he shows to the satisfaction of the court that his failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If on reopening, the defendant is found not guilty the court shall return the deposit to him. If the defendant is found guilty, whether on the plea of nolo contendere or after trial, any fine or forfeiture and costs imposed shall be taken out of the deposit and the balance, if any, returned to the defendant.

Approved August 7, 1961.