

1979 Senate Bill 360

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## CHAPTER 190, Laws of 1979

AN ACT to renumber 29.99 (10) to (13); and to create 29.245 and 29.99 (10) of the statutes, relating to shining animals, hunting deer, granting rule-making authority and creating a penalty.

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

SECTION 1. 29.245 of the statutes is created to read:

**29.245 Shining animals.** (1) DEFINITION. As used in this section:

(a) "Flashlight" means a battery operated light designed to be carried and held by hand.

(b) "Light" includes flashlights, automobile lights and other lights.

(c) "Peace officer" has the meaning designated under s. 939.22 (22).

(d) "Shining" means the casting of rays of a light on a field, forest or other area for the purpose of illuminating, locating or attempting to illuminate or locate wild animals.

(2) PRESUMPTION. A person casting the rays of light on a field, forest or other area which is frequented by wild animals is presumed to be shining wild animals. A person may introduce evidence to rebut this presumption.

(3) SHINING DEER OR BEAR WHILE HUNTING OR POSSESSING WEAPONS PROHIBITED.

(a) *Prohibition.* No person may use or possess with intent to use a light for shining deer or bear while the person is hunting deer or bear or in possession of a firearm, bow and arrow or crossbow.

(b) *Exception.* This subsection does not apply to a peace officer on official business, an employe of the department on official business or a person authorized by the department to conduct a game census.

(4) SHINING WILD ANIMALS WHILE HUNTING OR POSSESSING WEAPONS PROHIBITED.

(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, bow and arrow or crossbow.

(b) *Exceptions.* This subsection does not apply:

1. To a peace officer on official business, an employe of the department on official business or a person authorized by the department to conduct a game census.

2. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot raccoons, foxes or other unprotected animals during the open season for the animals hunted.

(5) SHINING WILD ANIMALS AFTER 10 P.M. DURING CERTAIN TIMES OF THE YEAR PROHIBITED. (a) *Prohibition.* No person may use or possess with intent to use a light for shining wild animals between 10 p.m. and 7 a.m. from September 15 to December 31.

(b) *Exceptions.* This subsection does not apply:

1. To a peace officer on official business, an employe of the department on official business or a person authorized by the department to conduct a game census.

2. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot raccoons, foxes or other unprotected animals during the open season for the animals hunted.

3. To a person who possesses a flashlight or who uses a flashlight while on foot and training a dog to track or hunt raccoons, foxes or other unprotected animals.

4. If rules promulgated by the department specifically permit a person to use or possess a light for shining wild animals during these times.

(6) COUNTY ORDINANCE. A county may regulate or prohibit the use of or possession with intent to use a light for shining wild animals. A county ordinance may not be less restrictive than the prohibition under sub. (5) (a). The exceptions under sub. (5) (b) apply to a county ordinance adopted under this subsection. A county may provide for a forfeiture of not more than \$1,000 for violation of a county ordinance adopted under this subsection.

(7) PENALTIES. A person who violates sub. (3) shall be fined not less than \$1,000 nor more than \$2,000 or imprisoned not more than 90 days or both and all licenses issued to the person under this chapter shall be revoked and may not be reissued for 3 years. A person who violates sub. (4) or (5) shall forfeit not more than \$1,000.

SECTION 2. 29.99 (10) to (13) of the statutes are renumbered 29.99 (11) to (14).

SECTION 3. 29.99 (10) of the statutes is created to read:

29.99 (10) For hunting deer without the required license or during the closed season or possession or control of a deer carcass in violation of s. 29.39 or s. 29.40, by a fine of not less than \$1,000 nor more than \$2,000.

**SECTION 3. Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

Statute Sections	Old Cross-References	New Cross-References
29.13 (1) 29.544 (7)	29.99 (4) and (10) 29.99 (2) and (10)	29.99 (4) and (11) 29.99 (2) and (11)

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