

1983 Assembly Bill 403

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1983 Wisconsin Act 420

AN ACT to renumber and amend 29.092 (13) (f); to amend 29.09 (1m), 29.092 (2) (n), 29.093 (2) (f) and 48.343 (7); to repeal and recreate 29.225; and to create 29.092 (13) (f), 29.226 and 29.227 of the statutes, relating to a hunter education and firearm safety program, requirements for hunting licenses and restrictions on hunting and use of firearms by persons under 16 years of age.

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

SECTION 1. 29.09 (1m) of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

29.09 (1m) CONDITIONS AND RESTRICTIONS ON LICENSES AND OTHER APPROVALS. A hunting, trapping or fishing approval may be issued only to and obtained only by a natural person entitled to the approval. Except as provided under sub. (12) (a), a resident hunting, trapping or fishing approval may be issued only to a person who presents to the county clerk or issuing agent definite proof of his or her identity and that he or she is a resident. No more than one of the same series of approval may be issued to the same person in any year. Except as provided under s. 29.33 (2) (d), no person may transfer his or her approval or permit the use of any approval by any other person and no person while hunting, trapping or fishing may use or carry any approval issued to another person. No person may obtain a hunting, trapping or fishing approval for another person. No approval authorizing hunting may be issued to any person under the age of 12 years who is prohibited from obtaining this type of approval under s. 29.226 or 29.227 (1) (c).

SECTION 2. 29.092 (2) (n) of the statutes, as created by 1983 Wisconsin Act 27, is amended to read:

29.092 (2) (n) (title) *Hunter education and firearm safety; instruction fee; certificate of accomplishment.* The instruction fee for the hunter education and firearm safety course provided [in] s. 29.225 and any certificate of accomplishment which is issued as a result of that course is \$3. There is no fee for the original issuance of a certificate of accomplishment if the instruction fee is paid.

SECTION 3. 29.092 (13) (f) of the statutes, as created by 1983 Wisconsin Act 27, is renumbered 29.092 (13) (g) and amended to read:

29.092 (13) (g) (title) *Duplicate; other approvals.* The fee for a duplicate license, permit, certificate or card not specified under pars. (a) to ~~(e)~~ (f) is \$2 if there is a fee for the original approval or application.

SECTION 4. 29.092 (13) (f) of the statutes is created to read:

29.092 (13) (f) *Duplicate certificate of accomplishment.* The fee for a duplicate certificate of accomplishment is \$2.

SECTION 4m. 29.093 (2) (f) of the statutes, as created by 1983 Wisconsin Act 27, is amended to read:

29.093 (2) (f) *Certificate of accomplishment.* A Except as provided under s. 29.227 (1) (d), a certificate of accomplishment issued under s. 29.225 is valid for the hunting of small game in place of a small game hunting license for one year beginning on September 1 following the issuance of the certificate and ending on August 31 of the following year.

SECTION 5. 29.225 of the statutes, as affected by 1983 Wisconsin Act 27, is repealed and recreated to read:

29.225 Hunter education and firearm safety program; certificate of accomplishment. (1) **ESTABLISHMENT; CONTENTS.** The department shall establish by rule a statewide hunter education and firearm safety program. The hunter education and firearm safety program shall provide for a course of instruction in each school district or county. The department shall conduct this course of instruction in cooperation with qualified individuals, organizations, groups, associations, public or private corporations and federal, state and local governmental entities. This course shall provide instruction to students in the commonly accepted principles of safety in handling hunting firearms and equipment, the responsibilities of hunters to wildlife, environment, landowners and others, how to recognize threatened and endangered species which cannot be hunted and the principles of wildlife management and conservation.

(2) **ADMINISTRATION.** The law enforcement administrator shall be the department's authorized agent to administer, supervise and enforce this section. The department shall appoint a qualified person from the law enforcement function, under the classified service, as the hunter education administrator and shall prescribe his or her duties and responsibilities. The department may appoint county directors, master hunter education instructors and regular hunter education instructors necessary for the hunter education and firearm safety program. These appointees are responsible to the department and shall serve on a voluntary basis without compensation.

(3) **INSTRUCTION FEE.** The department shall collect the instruction fee specified under s. 29.092 (2) (n) from each person who receives instruction under the hunter education and firearm safety program. The department may authorize an instructor conducting a course of instruction meeting standards established by the department to retain 50% of this fee to defray expenses incurred locally to operate the program. The remaining portion of the fee or, if nothing is retained, the entire fee shall be deposited in the conservation fund.

(4) **CERTIFICATE OF ACCOMPLISHMENT.** (a) *Issuance.* The department shall issue a certificate of accomplishment to a person who successfully completes the course of instruction under the hunter education and firearm safety program and who pays the instruction fee. The department shall prescribe the form and content of the certificate of accomplishment. The certificate may be used by a resident to whom issued in place of a small game hunting license as required in s. 29.09.

(b) *Duplicate.* The department may issue a duplicate certificate of accomplishment to a person who is entitled to a duplicate certificate and who pays the fee specified under s. 29.092 (13) (f). This fee shall be deposited in the conservation fund.

SECTION 6. 29.226 of the statutes is created to read:

29.226 Requirement for certificate of accomplishment to obtain hunting approval for certain persons born on or after January 1, 1973. (1) Except as provided under subs. (2) and (3), no person born on or after January 1, 1973, may obtain any approval authorizing hunting unless the person is issued a certificate of accomplishment.

(2) A person who has a certificate, license or other evidence indicating that he or she has completed a hunter safety course in another state and the course is recognized by the department under a reciprocity agreement may obtain an approval authorizing hunting regardless of whether the person is issued a certificate of accomplishment in this state.

(3) A person who successfully completes basic training in the U.S. armed forces, reserves or national guard may obtain an approval authorizing hunting regardless of whether the person is issued a certificate of accomplishment.

SECTION 7. 29.227 of the statutes is created to read:

29.227 Restrictions on hunting and use of firearms by persons under 16 years of age. (1) PERSONS UNDER 12 YEARS OF AGE. (a) *Prohibition on hunting.* No person under 12 years of age may hunt with a firearm or bow and arrow.

(b) *Restrictions on possession or control of a firearm.* No person under 12 years of age may have in his or her possession or control any firearm unless he or she is enrolled in a course of instruction under the hunter education and firearm safety program and is carrying the firearm in a case and unloaded to or from that class under the supervision of a parent or guardian or is handling or operating the firearm during that class under the supervision of an instructor.

(c) *Restrictions on obtaining hunting approval.* Except as provided under par. (d), no person under 12 years of age may obtain any approval authorizing hunting.

(d) *Restrictions on validity of certificate of accomplishment.* A person under 12 years of age may obtain a certificate of accomplishment if he or she complies with the requirements of s. 29.225 (4) but that certificate is not valid for the hunting of small game until that person becomes 12 years of age.

(2) PERSONS 12 TO 14 YEARS OF AGE. (a) *Restrictions on hunting.* No person 12 years of age or older but under 14 years of age may hunt unless he or she is accompanied by a parent or guardian.

(b) *Restrictions on possession or control of a firearm.* 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 unless he or she:

1. Is accompanied by a parent or guardian; or

2. Is enrolled in a course of instruction under the hunter education and firearm safety program and is carrying the firearm in a case and unloaded to or from that class or is handling or operating the firearm during that class under the supervision of an instructor.

(3) PERSONS 14 TO 16 YEARS OF AGE. (a) *Restrictions on hunting.* No person 14 years of age or older but under 16 years of age may hunt unless he or she:

1. Is accompanied by a parent or guardian; or

2. Is issued a certificate of accomplishment under the hunter education and firearm safety program or a similar certificate issued by another state or province.

(b) *Restrictions on possession or control of a firearm.* 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 unless he or she:

1. Is accompanied by a parent or guardian;

2. Is enrolled in a course of instruction under the hunter education and firearm safety program and is carrying the firearm in a case and unloaded to or from that class or is handling or operating the firearm during that class under the supervision of an instructor; or

3. Is issued a certificate of accomplishment under the hunter education and firearm safety program or a similar certificate issued by another state or province.

(4) PARENTAL OBLIGATION. No parent or guardian of a child under 16 years of age may authorize or knowingly permit the child to violate this section.

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(5) EXCEPTION. 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 or bow and arrow 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 8. 48.343 (7) of the statutes is amended to read:

48.343 (7) If the violation is related to the unsafe use of firearms, order the child to attend a safety course under the hunter education and firearm safety program under s. 29.225.

SECTION 9. **Effective date.** This act takes effect on January 1, 1985.
