

1993 Senate Bill 328

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1993 WISCONSIN ACT 137

AN ACT *to repeal* 29.99 (6); *to amend* 29.64, 29.641, 29.645, 29.99 (1) (a), 29.99 (3), 29.99 (12) and 29.995 (1); and *to create* 29.6425 of the statutes, **relating to:** violations of fish and game laws and providing penalties.

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

SECTION 1. 29.64 of the statutes is amended to read:

29.64 (title) Resisting a warden. Any person who assaults or otherwise resists or obstructs any ~~conservation~~ warden in the performance of duty shall be ~~fin~~~~ed not more than \$500 or imprisoned not more than 9 months or both~~ subject to the penalty specified in s. 939.51 (3) (a).

SECTION 2. 29.641 of the statutes is amended to read:

29.641 False impersonation of warden. Any person who falsely represents himself or herself to be a ~~conservation~~ warden or who assumes to act as a warden without having been first duly appointed shall be ~~fin~~~~ed not more than \$100 or imprisoned not more than 90 days or both~~ subject to the penalty specified in s. 939.51 (3) (a).

SECTION 3. 29.6425 of the statutes is created to read:

29.6425 Prohibitions during periods of suspension or revocation. (1) Any person who was issued an approval under this chapter that has been revoked or suspended by a court and who engages in the activity authorized by the approval during the period of revocation or suspension is subject to the following penalties, in addition to any other penalty imposed for failure to have the approval:

(a) For the first conviction, the person shall forfeit not less than \$300 nor more than \$500.

(b) If the number of convictions in a 5-year period equals 2 or more, the person shall be fined not less than \$500 nor more than \$1,000.

(2) The 5-year period under sub. (1) (b) shall be measured from the dates of the violations which resulted in the convictions.

SECTION 4. 29.645 of the statutes is amended to read:

29.645 Larceny of game. ~~No~~ A person shall who, without permission of the owner, ~~molest, disturb or appropriate~~ molests, disturbs or appropriates any wild animal or the its carcass or part thereof which that has been lawfully reduced to possession by another shall forfeit not less than \$1,000 nor more than \$2,000.

SECTION 5. 29.99 (1) (a) of the statutes is amended to read:

29.99 (1) (a) For the violation of any requirement of this chapter relating to fishing or fish dealing, or rules promulgated under this chapter relating to fishing or fish dealing, by a forfeiture of not more than \$1,000 except as provided under pars. (b) and (c) and ~~subs. sub. (5m) and (6).~~

SECTION 6. 29.99 (3) of the statutes is amended to read:

29.99 (3) For the violation of any statutes or any department order relating to the hunting, taking, transportation or possession of game ~~or game birds of all kinds~~, by a forfeiture of not more than ~~\$400~~ \$1,000.

SECTION 7. 29.99 (6) of the statutes is repealed.

SECTION 8. 29.99 (12) of the statutes is amended to read:

29.99 (12) In addition to any other penalty for violation of this chapter or any department order made under this chapter, the court may revoke or suspend any or all

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privileges and approvals granted under this chapter for a period of up to 3 years. If a person is convicted of reckless or highly negligent conduct in the operation or handling of a firearm or bow and arrow in violation of s. 940.08, 940.24 or 941.20 and either death or bodily harm to another results from that violation, the court shall revoke every approval issued to that person under this chapter and shall provide a fixed period during which no new approval may be issued to the person. If no death or bodily harm to another results from the violation, the court may revoke any approval issued to that person under this chapter and may provide a fixed period during which no new approval may be issued to the person.

SECTION 9. 29.995 (1) of the statutes is amended to read:

29.995 (1) If a person is convicted of any violation of this chapter ~~or of any department order, of s. 167.31 (2) or (3) or of a rule promulgated under this chapter or under s. 167.31 (4m)~~, and it is alleged in the indictment, information or complaint, and proved or admitted on trial or ascertained by the court after conviction that the person

was previously convicted within a period of 5 years for a violation of this chapter ~~or of a department order, of s. 167.31 (2) or (3) or of a rule promulgated under this chapter or under s. 167.31 (4m)~~ by any court of this state, the person shall be fined not more than \$100, or imprisoned not more than 6 months or both. In addition, all hunting, fishing and trapping approvals issued to the person shall be revoked and no hunting, fishing or trapping approval may be issued to the person for a period of one year after the 2nd conviction.

SECTION 10. Initial applicability. (1) CREATION OF AND INCREASES IN PENALTIES. The treatment of sections 29.64, 29.641, 29.6425, 29.645, 29.99 (3) and 29.99 (12) of the statutes first applies to violations occurring on the effective date of this subsection.

(2) COUNTING OF PREVIOUS VIOLATIONS. The treatment of section 29.995 (1) of the statutes first applies to current violations that occur on the effective date of this subsection but does not preclude the counting of other violations as previous violations under section 29.995 (1) of the statutes, as affected by this act.