



State of Wisconsin
2007 - 2008 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 342**

December 18, 2007 – Offered by Representative ALBERS.

1 **AN ACT to amend** 20.370 (3) (mu), 23.50 (1), 23.65 (1), 169.04 (4) (b) (intro.),
2 169.31 (title), 169.36 (9) (b), 169.37 (1) (intro.), 169.42 (1) (intro.), 169.43 and
3 169.45 (4); and **to create** 169.045, 169.31 (5), 169.425, 169.45 (2m) and 778.25
4 (1) (a) 8. and 9. of the statutes; **relating to:** possession of certain nonnative wild
5 animals, providing a penalty, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, with some exceptions, a person must have a license issued by the Department of Natural Resources (DNR) to possess or exhibit a native captive wild animal. As for captive wild animals that are not found in North America, no license is required for species except for certain wild birds and nonnative bears. However, under federal law, a license is required to possess and house certain wild animals used for research or exhibition purposes or as pets.

This substitute amendment requires that any nonnative “large cat” must be registered with DNR by the person who owns or otherwise possesses the cat (owner) unless the person is in possession of the cat for not more than 24 hours. The large cats that are covered by the substitute amendment are lions, tigers, leopards, jaguars, pumas, and cheetahs. The substitute amendment also authorizes DNR to promulgate rules requiring that other nonnative wild animals be subject to registration. Wild animals that are eligible for such designation are limited to those

that are capable of causing injury to humans. The substitute amendment also prohibits an owner of such a wild animal from charging a fee for photographing or filming the animal. The substitute amendment excludes from the requirements those wild animals that are subject to possession and housing requirements under federal law.

The substitute amendment specifies the information that must be provided at the time of registration and includes such items as the name and address of the person from whom the wild animal was acquired and whether, to the best of the owner's knowledge, the wild animal has caused any physical injury to any individual. The owner must also provide DNR information when the owner no longer possesses the wild animal, including the conditions under which the owner ceased to have possession, such as sale of the animal, or the fact that the animal has died or escaped. The substitute amendment requires DNR to maintain an electronic database that includes the information provided by the owner and to provide the information concerning each wild animal to the county in which the wild animal is located. Also, the substitute amendment requires the Department of Commerce to promulgate rules establishing minimum standards for enclosures in which these wild animals are kept. An owner of nonnative wild animals that are possessed under a federal animal welfare license or that are kept in facilities subject to federal inspection is exempt from the registration requirement but must send copies of all federal inspection reports concerning the wild animals to the county in which the animals are kept.

The substitute amendment prohibits DNR conservation wardens from enforcing these registration requirements. Instead, humane officers and certain other law enforcement officers have enforcement authority.

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

1 **SECTION 1.** 20.370 (3) (mu) of the statutes is amended to read:

2 20.370 (3) (mu) *General program operations — state funds.* The amounts in
3 the schedule for law enforcement operations under ss. 23.09 to 23.11, 90.21, and
4 166.04 and, under chs. 29, and 30, and under ch. 169, except s. 169.045, and for
5 review of environmental impact requirements under ss. 1.11 and 23.40.

6 **SECTION 2.** 23.50 (1) of the statutes, as affected by 2005 Wisconsin Act 360, is
7 amended to read:

1 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
2 court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814,
3 for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5),
4 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2),
5 subch. VI of ch. 77, this chapter, and chs. 26 to 31, ~~ch. 169~~, and ch. 350, and any
6 administrative rules promulgated thereunder, violations of ch. 169, except s.
7 169.045, violations specified under s. 280.98 (2) or 285.86, violations of ch. 951 if the
8 animal involved is a captive wild animal, violations of rules of the Kickapoo reserve
9 management board under s. 41.41 (7) (k), violations to which s. 299.85 (7) (a) 2. or
10 4. applies, or violations of local ordinances enacted by any local authority in
11 accordance with s. 23.33 (11) (am) or 30.77.

12 **SECTION 3.** 23.65 (1) of the statutes is amended to read:

13 23.65 (1) When it appears to the district attorney that a violation of s. 90.21,
14 134.60, 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08,
15 287.81 or 299.64 (2), this chapter or ch. 26, 27, 28, 29, 30, 31, ~~169~~, or 350, or any
16 administrative rule promulgated pursuant thereto, a violation of ch. 169, except s.
17 169.045, a violation specified under s. 285.86, or a violation of ch. 951, if the animal
18 involved is a captive wild animal, has been committed the district attorney may
19 proceed by complaint and summons.

20 **SECTION 4.** 169.04 (4) (b) (intro.) of the statutes is amended to read:

21 169.04 (4) (b) (intro.) ~~A- Subject to s. 169.045~~, a person is exempt from holding
22 a license or other approval as required under this chapter to possess live nonnative
23 wild animals that are not endangered or threatened species, except for any of the
24 following:

25 **SECTION 5.** 169.045 of the statutes is created to read:

1 **169.045 Possession of nonnative wild animals; registration.** (1) In this
2 section:

3 (a) “Dangerous wild animal” means a species of wild animal that is capable of
4 causing physical injury to a human.

5 (b) “Physical injury” means lacerations, fractured bones, internal injuries,
6 severe bruising, great bodily harm, as defined in s. 939.22 (14), or death.

7 **(2) REGISTRATION REQUIRED.** (a) A person shall register with the department
8 each live nonnative wild animal that the person possesses that is an exempt live
9 nonnative wild animal under s. 169.04 (4) (b) and that is one of the following or a
10 hybrid of one or more of the following:

- 11 1. A lion.
- 12 2. A tiger.
- 13 3. A leopard.
- 14 4. A snow leopard.
- 15 5. A clouded leopard.
- 16 6. A jaguar.
- 17 7. A cheetah.
- 18 8. A puma.

19 (b) In addition to the wild animals listed under par. (a), the department may
20 designate by rule additional live nonnative dangerous wild animals, or hybrids
21 thereof, for which registration is required under this section.

22 **(3) PHOTOGRAPHING; FILMING.** No person may charge a fee for photographing or
23 filming a live nonnative wild animal subject to sub. (2).

1 **(4) TEMPORARY POSSESSION.** Subsection (2) does not apply to live nonnative wild
2 animals temporarily possessed for a period not to exceed 24 hours for any of the
3 purposes described under s. 169.04 (2) (a) 1. to 3.

4 **(5) REGISTRATION REQUIREMENTS.** (a) A person who possesses a live nonnative
5 wild animal subject to sub. (2) shall register the nonnative wild animal and shall
6 provide all of the following information to the department for each nonnative wild
7 animal:

8 1. The registrant's complete legal name and any trade name under which the
9 registrant possesses the nonnative wild animal.

10 2. The registrant's address and telephone number.

11 3. The address and legal description of the location at which the registrant
12 possesses the nonnative wild animal.

13 4. The species of the nonnative wild animal.

14 5. The date of birth of the nonnative wild animal, or the approximate date of
15 birth if the date of birth is unknown.

16 6. The date that the registrant took possession of the nonnative wild animal.

17 7. The name, address, and telephone number of the person from whom the
18 registrant purchased or acquired the nonnative wild animal. If the registrant did not
19 purchase or acquire the nonnative wild animal from another person, the manner in
20 which the registrant took possession of the nonnative wild animal.

21 8. To the best of the registrant's knowledge, a detailed description of the extent
22 of any physical injury caused by the nonnative wild animal to any individual at any
23 time during or prior to the registrant possessing the nonnative wild animal, and the
24 circumstances surrounding the physical injury.

25 9. Any additional information that is required by the department by rule.

1 (b) A person shall submit the registration under par. (a) and the required fee
2 under s. 169.31 (5) to the department in the following manner:

3 1. Except as provided in subd. 2. or 3., no later than 60 days after the person
4 purchases or acquires the nonnative wild animal.

5 2. Except as provided in subd. 3., no later than 120 days after the birth of the
6 nonnative wild animal if the person possessed it at the time of its birth.

7 3. No later than the first day of the 24th month beginning after the effective
8 date of this subdivision [revisor inserts date], if the nonnative wild animal was
9 possessed by the person on the effective date of this subdivision [revisor inserts
10 date], and has remained in the person's possession since that date.

11 **(6) NOTIFICATION AND INFORMATION REQUIREMENTS.** (a) A person shall notify the
12 department when the person no longer possesses a nonnative wild animal subject to
13 sub. (2). The notification shall include the following information:

14 1. The date the person ceased to possess the nonnative wild animal.

15 2. The name, address, and telephone number of any person to whom the
16 nonnative wild animal was sold or transferred.

17 3. Whether the nonnative wild animal died, escaped, disappeared, was killed,
18 or was sold or transferred.

19 4. If the nonnative wild animal died or was killed, the manner of disposal of the
20 carcass.

21 5. Any additional information that is required by the department by rule.

22 (b) The person shall submit the notification required under par. (a) to the
23 department in the following manner:

24 1. Except as provided in subd. 2., no later than 60 days after the date the person
25 ceases to possess the nonnative wild animal.

1 2. If the nonnative wild animal escaped or disappeared, no later than 24 hours
2 after the person learns of the escape or disappearance.

3 (c) A person shall update or supplement the information the person is required
4 to provide to the department under par. (a) and sub. (5) (a) as soon as practicable after
5 the information changes or new information becomes known to the person.

6 (d) The department shall establish and maintain an electronic database which
7 includes the information provided to the department under pars. (a) and (c) and sub.
8 (5) (a). The department shall make the database available to the public on its
9 Internet site but shall not include the telephone number of any person provided
10 under par. (a) 2. or sub. (5) (a) 2. The department may also exclude additional
11 information by rule.

12 (e) The department shall provide any information submitted by a person under
13 pars. (a) and (c) and sub. (5) (a) to the county clerk of the county in which the
14 nonnative wild animal is possessed within 30 days after receipt of the information
15 by the department, except that the department shall provide the information
16 received under par. (b) 2. as soon as reasonably possible. The county clerk of each
17 county shall disseminate this information in a time and manner established by the
18 county to the county sheriff and to any county agencies the county clerk considers
19 to be appropriate. These agencies may include agencies related to public health,
20 animal control, emergency management, conservation, or zoning.

21 **(7) RULES FOR ENCLOSURES.** The department of commerce shall promulgate
22 rules establishing minimum standards for the construction and inspection of the
23 enclosures in which a live nonnative wild animal subject to sub. (2) is kept for the
24 purpose of protecting the nonnative wild animal, the public, and wildlife.

1 **(8) HARMFUL WILD ANIMALS.** This section does not apply to nonnative wild
2 animals that are designated as harmful wild animals under s. 169.11 (1) (a).

3 **(9) WILD ANIMALS SUBJECT TO FEDERAL REGULATION.** (a) This section does not
4 apply to nonnative wild animals possessed by persons who are licensed to possess
5 those wild animals under 7 USC 2131 to 2159.

6 (b) This section does not apply to nonnative wild animals kept in facilities that
7 are inspected under 7 USC 2131 to 2159.

8 (c) Each person receiving inspection reports under 7 USC 2131 to 2159 shall
9 forward copies to the county clerk of the county in which the nonnative wild animals
10 are possessed. The county clerk of each county shall disseminate these reports in the
11 manner provided in sub. (6) (e).

12 **SECTION 6.** 169.31 (title) of the statutes is amended to read:

13 **169.31 (title) License and, tag, and registration fees.**

14 **SECTION 7.** 169.31 (5) of the statutes is created to read:

15 **169.31 (5) NONNATIVE WILD ANIMAL REGISTRATION FEE.** The department shall
16 promulgate a rule establishing a fee for the registration of live nonnative wild
17 animals under s. 169.045 (5) (a) in an amount estimated to equal the department's
18 cost of processing registrations, and establishing and maintaining the electronic
19 database under s. 169.045 (5) (d), and otherwise administering s. 169.045.

20 **SECTION 8.** 169.36 (9) (b) of the statutes is amended to read:

21 **169.36 (9) (b)** In addition to the requirements under par. (a), the person holding
22 a license subject to this section shall provide a copy of the record required under this
23 section to the department on a quarterly basis, as determined by the department, if
24 the transaction or activity involved any live wild animal of the family canidae,

1 ursidae, mustelidae, or felidae, or any harmful wild animal. This paragraph does not
2 apply to live nonnative wild animals that are subject to registration under s. 169.045.

3 **SECTION 9.** 169.37 (1) (intro.) of the statutes is amended to read:

4 169.37 (1) DEPARTMENTAL AUTHORITY. (intro.) ~~For~~ Except as provided in s.
5 169.425, for purposes of enforcing this chapter and the rules promulgated under this
6 chapter with respect to a person who is required to have a license or maintain records
7 under this chapter, a conservation warden or representative of the department, upon
8 presenting his or her credentials to that person, may do any of the following:

9 **SECTION 10.** 169.42 (1) (intro.) of the statutes is amended to read:

10 169.42 (1) INTAKE OF WILD ANIMALS. (intro.) ~~A~~ Except as provided in s. 169.425,
11 a conservation warden may take into custody a wild animal that is subject to
12 regulation under this chapter on behalf of the department if the conservation warden
13 has reasonable grounds to believe that the wild animal is one of the following:

14 **SECTION 11.** 169.425 of the statutes is created to read:

15 **169.425 Enforcement; live nonnative wild animals.** Conservation
16 wardens and representatives of the department may not act under the authority of
17 s. 169.37 or 169.42 for purposes of enforcing s. 169.045 or any rules promulgated
18 under s. 169.045. Instead, for purposes of enforcing s. 169.045 or any rules
19 promulgated under s. 169.045, law enforcement officers authorized to act under ch.
20 951 and humane officers shall have the same powers and duties that conservation
21 wardens and the department have under ss. 169.37 and 169.42 and may use the
22 citation procedure under s. 778.25.

23 **SECTION 12.** 169.45 (2m) of the statutes is created to read:

24 169.45 (2m) POSSESSION OF CERTAIN NONNATIVE WILD ANIMALS. (a) Except as
25 provided in par. (b), for possessing a live nonnative wild animal in violation of s.

1 169.045, or any rule promulgated under s. 169.045 a person shall forfeit not more
2 than \$100.

3 (b) 1. For a violation of s. 169.045 or any rule promulgated under s. 169.045,
4 if the alleged violator has not previously received a warning notice for a violation of
5 the same provision, an officer authorized to enforce s. 169.045 shall issue the violator
6 a warning notice in lieu of a citation.

7 2. The warning notice under subd. 1. shall inform the alleged violator of the
8 action the alleged violator is required to take to be in compliance with the applicable
9 provision. If the warning notice requires the alleged violator to remedy the effects
10 of the violation, the alleged violator has 30 days to do so. An officer authorized to
11 enforce s. 169.045 may subsequently issue a citation only if the alleged violator fails
12 to comply with the warning notice within the 30-day period.

13 3. An officer issuing a warning notice under subd. 2. shall inform the
14 department of the fact within 30 days after issuing the notice. The department shall
15 record the issuances of warning notices for purposes of this paragraph.

16 (c) Subsection (2) does not apply to a live nonnative wild animal possessed in
17 violation of s. 169.045.

18 **SECTION 13.** 169.43 of the statutes is amended to read:

19 **169.43 Local ordinances.** A municipality or county may enact and enforce
20 an ordinance that prohibits the possession or selling of live wild animals. A
21 municipality or county may enact and enforce an ordinance that is in strict
22 conformity with s. 169.045 and with the rules promulgated under s. 169.045.

23 **SECTION 14.** 169.45 (4) of the statutes is amended to read:

1 169.45 (4) DIMINISHED PENALTIES. No penalty imposed under sub. (2) or (2m)
2 shall be held to be diminished because the violation for which it is imposed falls also
3 within the scope of a more general prohibition.

4 **SECTION 15.** 778.25 (1) (a) 8. and 9. of the statutes are created to read:

5 778.25 (1) (a) 8. Under s. 169.45 (2m) brought against an adult in circuit court.

6 9. Under a local ordinance strictly conforming to s. 169.045, and the rules
7 promulgated under s. 169.045, brought against an adult in circuit court.

8 **SECTION 16. Effective date.**

9 (1) This act takes effect on the first day of the 24th month beginning after
10 publication.

11

(END)