



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 409

**Assembly Amendments 1, 2,
and 3**

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Current law authorizes the Department of Natural Resources (DNR) and its wardens to enforce fish and game laws, laws related to boating and snowmobiling, other conservation laws, and laws relating to the use of dangerous weapons. Under current law, DNR wardens do not have authority to issue citations for violations of the trespass statute.

Assembly Bill 409 expands the authority of DNR wardens to include enforcement of statutes prohibiting trespass to land when the trespass is committed by a person who is engaged in activities that involve hunting, fishing, trapping, cutting timber, snowmobiling, and other outdoor recreational or natural resources activities that are subject to DNR regulation.

The bill adds to the penalties for violation of the trespass law while engaged in these natural resources activities. The court may revoke for up to three years all hunting, fishing, and trapping licenses held by the violator as well as all other approvals issued to the violator that relate to wild animals and wild plants. Further, the bill requires a court to revoke a violator's licenses and prohibit the issuance of licenses for a period of five years if the violator is convicted of a crime (i.e., felony or misdemeanor) that was committed at the same time as the trespass violation. The bill also requires a court to impose a surcharge for a trespass violation when the violation is committed by a person engaged in natural resources activities. The amount of the surcharge is 35% of the amount of the forfeiture for the trespass violation, and the surcharge is used for DNR enforcement activities.

Assembly Amendment 1

Assembly Amendment 1 modifies the authority granted to and requirement for a court to revoke or suspend fish and game licenses:

- If the violator has not violated the trespass statute within the previous 10 years and the person is not convicted of a crime in conjunction with the trespass violation, the court is authorized to revoke the licenses held by that person for up to one year.

- If the person has violated the trespass statute while engaged in a natural resource activity and has violated the statute within the previous 10 years, or was convicted of a crime in conjunction with the current violation, the court may revoke licenses held by that person for up to three years.
- If a person is found to have violated the trespass statute while engaged in a natural resources activity, and has both violated the statute within the previous 10 years and is convicted of a crime in conjunction with the current violation, the court is required to revoke all licenses held by that person for a period of five years.

Assembly Amendment 2

The bill earmarks for DNR law enforcement activities the funds received from the natural resources trespass surcharge that is created by the bill. Assembly Amendment 2 eliminates this earmarking provision so that the funds will be deposited in the Conservation Fund.

Assembly Amendment 3

The bill creates a provision authorizing service of a natural resources citation on a nonresident defendant. The amendment deletes this provision.

Legislative History

Assembly Amendment 1 was offered by Representative Moulton and Assembly Amendments 2 and 3 were offered by the Joint Committee on Finance.

The Joint Committee on Finance, on November 30, 2005, recommended adoption of Assembly Amendment 1 by a vote of Ayes, 13; Noes, 2; and Assembly Amendments 2 and 3 each by a vote of Ayes, 15; Noes, 0. The Joint Committee on Finance recommended passage of the bill as amended by a vote of Ayes, 8; Noes, 7.

MCP:ksm:rv