



2013 ASSEMBLY BILL 8

February 1, 2013 - Introduced by Representatives KLEEFISCH and T. LARSON, cosponsored by Senators KEDZIE and S. FITZGERALD. Referred to Committee on Natural Resources and Sporting Heritage.

1 **AN ACT to renumber and amend** 29.038 (3); **to amend** 29.301 (1) (b) and 29.301
2 (1) (c); and **to create** 29.038 (3) (b) of the statutes; **relating to:** restrictions on
3 hunting within a specified distance of hospitals, sanatoriums, or school grounds
4 and restrictions imposed by local governmental units on hunting with a bow
5 and arrow or crossbow.

Analysis by the Legislative Reference Bureau

Current law generally prohibits a local governmental unit from enacting or adopting any ordinance or restriction (restriction) that regulates hunting, fishing, trapping, or management of wild animals except on land the local governmental unit owns or leases or unless state law specifically authorizes the local governmental unit to enact or adopt such restriction. Current statutes also specify that a local governmental unit may enact or adopt a restriction that has an incidental effect on hunting, fishing, or trapping, but only if the primary purpose is to further public health or safety.

This bill provides, with an exception, that a local governmental unit may not enact or adopt a restriction that prohibits hunting with a bow and arrow or crossbow within the jurisdiction of that local governmental unit. Under the exception provided in the bill, a local governmental unit may prohibit a person from hunting with a bow and arrow or crossbow within a specified distance, not to exceed 100 yards, of a building used for human occupancy that is located on another person's land. The bill specifies that the enacted or adopted restriction must provide that it does not apply

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if the person who owns the land on which the building is located allows the hunter to hunt with a bow and arrow or crossbow within the specified distance of the building.

Under current law, no person may hunt within 1,700 feet of a hospital, sanatorium, or the grounds of a school. This bill specifies that this prohibition applies only to a person who is hunting with a firearm.

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

1 **SECTION 1.** 29.038 (3) of the statutes is renumbered 29.038 (3) (a) and amended
2 to read:

3 29.038 (3) (a) ~~A~~ Except as provided in par. (b), a local governmental unit may
4 enact an ordinance or adopt a regulation, resolution or other restriction that has an
5 incidental effect on hunting, fishing or trapping, but only if the primary purpose is
6 to further public health or safety.

7 **SECTION 2.** 29.038 (3) (b) of the statutes is created to read:

8 29.038 (3) (b) 1. In this paragraph:

9 a. "Building" means a permanent structure used for human occupancy and
10 includes a manufactured home, as defined in s. 101.91 (2).

11 b. "Restriction" means an ordinance, regulation, resolution, or other restriction
12 enacted or adopted by a local governmental unit.

13 2. Except as provided in subd. 3., a local governmental unit may not enact or
14 adopt a restriction that prohibits a person from hunting with a bow and arrow or
15 crossbow within the jurisdiction of that local governmental unit.

16 3. A local governmental unit may enact or adopt a restriction prohibiting a
17 person from hunting with a bow and arrow or crossbow within a specified distance,
18 not to exceed 100 yards, from a building located on another person's land. A
19 restriction enacted or adopted under this subdivision shall provide that the

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1 restriction does not apply if the person who owns the land on which the building is
2 located allows the hunter to hunt within the specified distance of the building.

3 **SECTION 3.** 29.301 (1) (b) of the statutes is amended to read:

4 29.301 (1) (b) No person may hunt with a firearm within 1,700 feet of any
5 hospital, sanatorium or the grounds of any school. The department may designate
6 the form for or furnish signs designating the restricted area. No person may be
7 convicted of a violation of this paragraph unless the restricted area is designated by
8 the signs.

9 **SECTION 4.** 29.301 (1) (c) of the statutes is amended to read:

10 29.301 (1) (c) Notwithstanding par. (b), this subsection does not prohibit
11 hunting with a firearm in a school forest if the school board allows hunting with a
12 firearm under s. 120.13 (38).

13

(END)