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Testimony in Support of Assembly Bill 39

Assembly Committee on Forestry, Parks and Outdoor Recreation

Tuesday, April 2, 2019

Mr. Chairman and committee members, thank you for holding this public hearing today and giving me the opportunity to speak to you in support of Assembly Bill (AB) 39. I would like to thank Senator Petrowski for working with me on this important legislation.

Deer hunting is one of Wisconsin's most important sporting traditions. Thousands of Wisconsinites take to the woods each fall throughout the various deer hunting seasons. Prior to the hunt, many hunters invest a great deal of time, energy, and money preparing for the season. When someone illegally harvests a deer, they are taking an opportunity away from a law-abiding hunter.

Hunters also provide an important economic boost to many small businesses around our state. As a small business owner in northern Wisconsin, I have seen this impact first-hand. Actions that negatively impact hunting also harm the many businesses who depend on the hunting-related business.

When someone illegally harvests a deer, one of the penalties that a judge may impose is the wild animal protection surcharge. Funds generated from this surcharge are deposited in the Conservation Fund which helps fund enforcement at the Department of Natural Resources. Under current law, the surcharge for illegally harvesting a deer is only \$43.75 no matter how extreme the act of poaching or the number of resources expended by the department to investigate.

AB 39 increases judicial discretion in deer poaching cases by allowing a judge to impose a wild animal protection surcharge anywhere in the range of \$43.75 to \$5,000. This increased flexibility will allow judges to impose a higher surcharge in extreme cases of poaching where law enforcement was forced to spend a significant amount of resources investigating an act of poaching or in cases where an individual is simply not deterred by the current penalties.

Mr. Chairman and members, I ask for your support of AB 39 and thank you again for the opportunity to testify before you today.

Multiple deer poached in Price County

apg-wi.com/price_county_review/free/multiple-deer-poached-in-price-county/article_ce90cea6-e209-11e8-8af0-9bf09918539f.html

November 8, 2018



Illegal poaching of multiple deer found in fields and roadsides in the Prentice and Ogema areas is currently under investigation by the Wisconsin Department of Natural Resources, led by local conservation warden Joe Paul.

After reports from concerned citizens alerted the DNR that deer were being found dead or left to die, Paul reported that his investigation has confirmed more than 30 deer — adult does and bucks (some with their heads removed) — were found in various stages of decomposition. The deer were killed in September and October, with a series of thrill killings taking place between Oct. 16-21. The majority of the deer were killed at night with the aid of artificial light.

Paul has interviewed more than 16 local individuals, including juveniles and adults. The investigation into the criminal activity is ongoing. While no one has been formally charged at this time, Paul reported the case will soon be pending in the court system.

“The adults involved did utilize some meat from the deer, but most the juveniles involved left the deer in the fields after they shot them after hours and with the aid of a spotlight and firearm,” Paul said. “None of the deer recovered were able to be used for human consumption.”

In the State of Wisconsin, it is illegal to shine deer, bear or elk while in possession of a firearm or bow. According to Wisconsin Statute 29.314(7), a person who violates this law can be fined a maximum of \$2,000 per deer or imprisoned for six months — or both. The court can also revoke all hunting licenses for three years.

“Besides being illegally killed, it is dangerous to shoot at night with the aid of a light. There are homes nearby and it is impossible to see what is beyond your target,” Paul said. “This was a tragic waste of wildlife and the natural resources and does not represent the thousands of hunters who enjoy Wisconsin’s hunting tradition.”

The maximum fine for poaching deer is \$2,000 or up to six months of imprisonment, or both. All hunting licenses can be revoked and re-issuance may be prohibited for three years. Anyone violating the laws relating to the hunting, taking, transportation or possession of game is subject to a maximum forfeiture of \$1,000.

Paul is currently investigating numerous other reports of deer being poached off of Highway 111 and County Road J south of Phillips, and in the Kennan and Catawba areas.

Anyone who witnessing a potential violation can confidentially report a tip to the DNR violation hotline any hour of any day. Call or text: 1-800-TIP-WDNR. Paul may also be reached direct at 715-416-0086 or by email at joseph.paul@wisconsin.gov.



Assembly Committee on Forestry, Parks, and Outdoor Recreation

2019 Assembly Bill 39

Higher Wild Animal Protection Surcharge for the Unlawful Taking of Deer

March 2, 2019

Good morning Chair Mursau and members of the committee. Thank you for the opportunity to testify, for informational purposes, on Assembly Bill 39.

Under current law, if a court imposes a penalty for the unlawful taking of certain wild animals, the court may impose a wild animal protection surcharge, in addition to other statutorily assigned penalties, costs, and surcharges. The value of the wild animal protection surcharge is established in statute and varies by species; for deer, the currently assigned surcharge is \$43.75.

This bill proposes to modify the surcharge for deer by establishing a variable range, with a minimum of \$43.75 up to a maximum of \$5,000. The specific surcharge assigned in a given case would be subject to a court's discretion, and based upon the totality of the circumstances.

The wild animal protection surcharge serves a number of purposes. First, it stratifies like offenses based upon the species involved, such that overbagging squirrel will see lower penalties than overbagging river otter. Second, it serves as restitution by contributing funding to the state's conservation efforts, which directly support sustainable populations available for both consumptive and non-consumptive uses. Finally, as part of the total penalty assessed upon conviction for a natural resource violation, it indirectly amplifies the deterrent effect created by the base forfeiture/fine.

The variable range of this proposal may supplement those purposes by adding flexibility for courts so they could consider subjective aspects of the offense or unlawfully harvested deer—including extraordinary size or unique qualities—and commensurately adjust the surcharge.

Consistent with all penalty provisions, this proposal may further reduce the prevalence of wildlife offenses in Wisconsin, and therefore protect Wisconsin's natural resources and sporting heritage for future generations.

On behalf of the Bureau of Law Enforcement, I would like to thank you again for your time today, and would be happy to answer any questions you may have.