

1 **AN ACT** *to renumber* 941.23, 941.235 (2) and 941.29 (10); *to amend* 23.29 (23),
2 23.293 (19), 23.33 (4) (c) 1., 23.33 (12) (b), 23.51 (3), 30.64, 165.83 (1) (e), 165.85
3 (2) (g), 340.01 (3) (b), 341.17 (9) (c) 2., 343.235 (3) (a), 343.237 (4), 350.02 (3m),
4 350.17 (2), 939.22 (22), 940.20 (2), 941.20 (1m) (b), 941.2965 (3) (a), 941.298 (3)
5 (a), 941.299 (2) (a), 941.31 (2) (c), 948.605 (2) (b) 6., 948.605 (3) (b) 4. and 948.61
6 (3) (c); and *to create* 165.83 (1) (e) 2., 165.85 (2) (g) 2., 175.41, 340.01 (19c),
7 340.01 (19e), 341.17 (4) (h), 939.22 (12m), 939.22 (37), 941.20 (3) (b) 3., 941.23
8 (2), 941.235 (2) (b), 941.237 (3m), 941.26 (4) (cm), 941.29 (10) (b), 941.295 (2m)
9 and 948.55 (4m) of the statutes; **relating to:** conservation wardens employed by the
10 great lakes Indian fish and wildlife commission.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft, prepared for the joint legislative council's special committee on state-tribal relations, extends the application of a broad range of statutes related to law enforcement to conservation wardens employed by the great lakes Indian fish and wildlife commission (GLIFWC).

BACKGROUND

In the 1970s and 1980s, litigation in federal court sought to determine the extent of rights for the harvest of natural resources retained by the Chippewa Indian bands when the bands ceded territory to the United States in treaties in 1837 and 1842. In a series of orders, the court affirmed the bands' continuing rights to hunt, fish, and gather on off-reservation public lands and waters throughout the ceded territories in northern Wisconsin. Among other things, the court approved the Chippewa bands' proposal to adopt an off-reservation conservation code (off-reservation code) governing their members' exercise of those rights within the ceded territory but not on any Chippewa reservation, and to form an inter-tribal agency to enforce that code.

GLIFWC is the agency the Chippewa bands created for this purpose. It employs conservation wardens to enforce the off-reservation code. According to GLIFWC staff, all of the current GLIFWC wardens in Wisconsin have met the same training requirements that any officer hired by a state or local law enforcement agency must meet.

In 2003, a GLIFWC warden working off-reservation in Forest County detained a non-Indian person for a state firearms violation and delivered the individual to the county sheriff. In reviewing the case, the Forest County district attorney questioned whether the warden had the authority to detain the individual. He also questioned the legality of other aspects of the warden's behavior, such as going armed in the uniform of a law enforcement officer in a vehicle with equipment, such as lights and siren, that are generally illegal. Concerned that the court would not admit evidence obtained in these circumstances, the district attorney did not file charges in this case.

This case brought to attention that much of what GLIFWC wardens do is not contemplated under the statutes and that, in fact, the statutes could be read as prohibiting GLIFWC wardens from doing many things that the federal court authorized them to do. Similarly, many statutes that serve to protect the physical safety of law enforcement officers and others that serve to protect the interests of the public do not apply to GLIFWC wardens. These statutes *do* apply to conservation wardens employed by the department of natural resources (DNR).

GLIFWC, with support from the DNR and the department of justice (DOJ), asked the special committee on state-tribal relations to study this issue and to develop legislation that both removes statutory impediments to the work of GLIFWC wardens and extends protections to them. GLIFWC also noted that its wardens are potentially valuable allies to officers in the field, and requested that the legislation also authorize them to render aid and assistance to state and local law enforcement officers and to make arrests in certain circumstances.

THE DRAFT

The draft is intended to accomplish two goals: first, to facilitate the work of GLIFWC and its wardens in enforcing the off-reservation code; and second, to enable GLIFWC wardens to assist state and local law enforcement agencies.

To accomplish the first goal, the draft extends to GLIFWC wardens: (a) many of the exceptions to state laws that are currently provided to peace officers, e.g., relating to the possession and use of firearms or the operation of emergency vehicles; (b) many of the existing protections to the physical security of peace officers, e.g., relating to physical assault of

or resisting or interfering with a peace officer; (c) certain obligations that apply to peace officers for the protection of the general public, e.g., relating to providing first aid to a person in custody; and (d) access to certain law enforcement tools available to peace officers, e.g., access to criminal records, vehicle registration information, and other information.

To accomplish the second goal, the draft creates limited arrest and assistance authority for GLIFWC wardens, similar to that currently provided to other categories of law enforcement officers operating outside of their geographic jurisdiction.

Facilitating the Work of GLIFWC Wardens

This portion of the draft was developed by analyzing the use of the terms “peace officer”, “law enforcement officer”, and “warden” in the criminal code and conservation statutes. It treats each statute that uses these terms in one of three ways:

1. Applies the statute to ***all GLIFWC wardens***. In most cases, if the statute uses the term “peace officer”, this result is accomplished by amendment of the definition of “peace officer” that applies to the criminal code to include GLIFWC wardens; these statutes do not appear in the draft. In all other cases, the statute is amended individually by the draft.

The draft applies all of the following to all GLIFWC wardens:

Protection of officers; interference with law enforcement:

Section 940.20 (2), stats., battery to a law enforcement officer.

Section 941.20 (1m) (b), stats., pointing a firearm at a law enforcement officer.

Section 941.21, stats., disarming a peace officer.

Section 941.26 (2) (f), stats., using explosives, etc., to harm a peace officer.

Section 941.26 (4) (d), stats., using pepper spray to harm a peace officer.

Section 941.299 (2) (a), stats., pointing a laser pointer at a law enforcement officer or others.

Section 941.37, stats., obstructing emergency or rescue personnel.

Section 941.375, stats., throwing bodily fluids at a peace officer or others.

Section 946.40, stats., refusing to aid an officer.

Section 946.41, stats., resisting or obstructing an officer.

Section 946.415, stats., resisting arrest.

Section 946.42, stats., escape from custody of peace officer or others.

Section 946.70, stats., impersonating a peace officer.

Other references:

Section 940.09, stats., peace officer must submit a report regarding arrests for homicide by intoxicated use of a vehicle or firearm.

Section 940.291, stats., peace officer must provide first aid for person in custody.

Section 943.75, stats., unauthorized release of animals prohibited; exception for peace officers.

Other statutes that use the term “peace officer” as defined in the criminal code:

Section 29.314, stats., shining animals prohibited; exceptions for peace officers.

Section 167.31, stats., safe use and transportation of firearms and bows; exceptions for peace officers.

Chapter 252, stats., communicable diseases.

Section 895.57, stats., liability for unauthorized release of animals; exception for peace officers.

Other references to “peace officer” as defined in the criminal code that appear to have no applicability to the work of conservation wardens:

Section 95.21, stats., rabies control program.

Sections 943.49, 943.50, and 943.61, stats., recording in movie theaters, retail theft, and theft from a library; proprietor may hold suspect until peace officer arrives.

Section 945.05, stats., peace officer may seize vehicles associated with illegal gambling equipment.

Section 941.24 (2), stats., surrender of switchblades to a peace officer (deadline for surrender was 1959).

Section 941.295 (3), stats., surrender of electric weapons to a peace officer (deadline for surrender was 1982).

2. Applies the statute only to *state-certified GLIFWC wardens*, that is, those who meet state training standards and have accepted the duties of a

law enforcement officer under state law. In each of these cases, the statute is amended individually.

The draft applies all of the following to state-certified GLIFWC wardens:

Firearms, other weapons, and explosives:

Section 941.20 (3), stats., discharge of firearm from vehicle prohibited; exception for peace officers.

Sections 941.23, stats., carrying a concealed weapon prohibited; exception for peace officers.

Section 941.235, stats., carrying a firearm in public buildings prohibited; exception for peace officers.

Section 941.237, stats., carrying a handgun where alcohol is served prohibited; exception for peace officers.

Section 941.26 (4) (c), stats., use of pepper spray prohibited; exception for peace officers.

Section 941.29, stats., possession of firearm by certain individuals prohibited; exception for peace officers.

Section 941.295, stats., possession of an electric weapon prohibited; exception for peace officers.

Section 948.55, stats., leaving a loaded firearm within reach of a child prohibited; exception for peace officer if access to weapon is incident to performance of the officer's duty.

Sections 948.605 (2) (b) 6. and (3) (b) 4. and (c), stats., possessing or discharging a firearm or other dangerous weapon in a school zone prohibited; exception for peace officers.

3. Does *not* apply the statute to *any GLIFWC warden*. If the statute uses the term "peace officer" as defined in the criminal code, it is amended to exclude GLIFWC wardens. In all other cases, the statute does not need to be amended to exclude GLIFWC wardens, and so does not appear in the draft.

The draft specifies that none of the following apply to any GLIFWC warden:

Firearms, other weapons, and explosives

Sections 941.26 (3), 941.27 (2), and 941.28 (4), stats., possession, etc., of machine guns, short-barreled shotguns and rifles, explosives, and

other weapons prohibited; exception for law enforcement officers and others.

Section 941.2965, stats., carrying of facsimile firearm in an alarming manner prohibited; exception for peace officers.

Section 941.298, stats., firearm silencers prohibited; exception for peace officers.

Section 941.31, stats., possession of explosives prohibited; exception for peace officers.

Section 943.06, stats., possession of fire bombs prohibited; exception for peace officers.

Other statutes that use the term “peace officer” as defined in the criminal code:

Sections 23.29 (23) and 23.293 (13), stats., jurisdiction on state dedicated natural areas and ice age trail areas.

Sections 23.50 to 23.85, stats., forfeiture procedures for the enforcement of conservation laws.

The draft authorizes GLIFWC and its wardens to use the transaction information for management of enforcement (TIME) system if GLIFWC agrees to contribute information in its possession to DOJ for addition to the TIME system. (The TIME system allows officers in the field to access information regarding criminal investigations, suspected criminals, outstanding warrants, etc., as well as drivers’ license and vehicle registration information, using computers installed in their patrol vehicles.)

The draft applies the statutes administered by the law enforcement standards board (LESB) to GLIFWC wardens who agree to accept the duties of law enforcement officers under the laws of this state, which makes a GLIFWC warden subject to the rules and certification procedures of the LESB, and which is a prerequisite for exercising the authority to make arrests for violations of state law and to render aid and assistance to state peace officers, as created by this draft.

The draft adds GLIFWC wardens’ vehicles to the definition of “authorized emergency vehicle”. As a result, all of the following apply to GLIFWC wardens’ vehicles:

Rules of the road, etc.:

Section 346.03, stats., exception to rules regarding parking and traffic movement (e.g., speed, stopping, and turning).

Section 346.072, stats., passing stopped authorized emergency vehicles.

Sections 346.19 and 346.195, stats., what to do on approach of an emergency vehicle; liability for failure to yield.

Section 346.20 (2) and (4) (a), stats., authorized emergency vehicle may interrupt a funeral procession or military convoy.

Section 346.455, stats., yield to authorized emergency vehicle backing into firestation.

Section 346.90, stats., following emergency vehicles prohibited.

Vehicle equipment, etc.:

Section 346.88 (4) (d), stats., signal light not an obstruction to driver's view.

Sections 346.94 (16) and 349.35, stats., exemption from municipal regulations and other limits on radios and other electric sound amplification devices.

Section 347.25 (1), stats., certain special warning lamps allowed.

Section 347.38 (4), stats., sirens allowed.

Section 347.45 (2) (c) 2., stats., certain tires allowed.

Section 347.48 (2m) (dm), stats., exception to required use of seat belts.

Section 348.18, stats., exception to weight limits.

The draft authorizes GLIFWC to receive from the department of transportation (DOT) monthly compilations of vehicle registration information, drivers license and identification card photographs, and other identifying information in the same manner that sheriffs and chiefs of local police departments, among others, currently receive this information.

Authority to Arrest and Assist

The draft authorizes a GLIFWC warden to make an arrest for a violation of state law if the warden is responding to either: (a) an emergency situation that poses a significant threat to life or of bodily harm; or (b) acts that the warden believes, on reasonable grounds, constitute a felony. The draft also authorizes a GLIFWC warden to render aid or assistance to a Wisconsin peace officer in an emergency or at the request of the Wisconsin peace officer. A GLIFWC warden may take these actions only if all of the following conditions are met:

(a) The warden is on duty and on official business.

(b) The warden meets the training standards for state and local law enforcement officers and has agreed to accept the duties of law enforcement officers under the laws of this state.

(c) GLIFWC has adopted and implemented written policies regarding making felony arrests under state law and rendering aid or assistance to state or local officers.

(d) GLIFWC maintains liability insurance that does all of the following:

1. Covers GLIFWC's liability up to a limit of not less than \$2 million for the acts of its wardens acting under this authority.

2. Provides that the insurer, in defending a claim against the policy, may not raise the defense of sovereign immunity of the insured up to that limit.

The draft also authorizes GLIFWC wardens to engage in fresh pursuit in Wisconsin beyond the ceded territory under specified circumstances.

1 **SECTION 1.** 23.29 (23) of the statutes is amended to read:

2 23.29 **(23)** ENFORCEMENT. The department and its agents, the department of justice, and
3 peace officers, as defined under s. 939.22 (22), but not including GLIFWC wardens, as defined
4 under s. 939.22 (12m), have jurisdiction on dedicated state natural areas in the geographic
5 jurisdiction to enforce articles of dedication and restrictions authorized under sub. (21).

6 **SECTION 2.** 23.293 (19) of the statutes is amended to read:

7 23.293 **(19)** ENFORCEMENT. The department and its agents, the department of justice,
8 and peace officers, as defined under s. 939.22 (22), but not including GLIFWC wardens, as
9 defined under s. 939.22 (12m), have jurisdiction on dedicated ice age trail areas.

NOTE: SECTIONS 1 and 2 exclude GLIFWC wardens from the list of entities having enforcement authority for purposes of dedicated state natural areas and ice age trail areas.

10 **SECTION 3.** 23.33 (4) (c) 1. of the statutes is amended to read:

11 23.33 **(4)** (c) 1. Paragraphs (a) and (b) do not apply to the operator of an all-terrain
12 vehicle owned by a municipality, state agency, or public utility, or by GLIFWC while the
13 operator is engaged in an emergency or in the operation of an all-terrain vehicle directly

1 related to the functions of the municipality, state agency or public utility, or of GLIFWC if
2 safety does not require strict adherence to these restrictions.

3 **SECTION 4.** 23.33 (12) (b) of the statutes is amended to read:

4 23.33 **(12)** (b) No operator of an all-terrain vehicle may refuse to stop after being
5 requested or signaled to do so by a law enforcement officer or a GLIFWC warden.

NOTE: SECTIONS 3 and 4 authorize GLIFWC wardens to operate all-terrain vehicles (ATVs) on highways, under specified circumstances, and require other ATV operators to stop when signaled by a GLIFWC warden.

6 **SECTION 5.** 23.51 (3) of the statutes is amended to read:

7 23.51 **(3)** “Enforcing officer” means peace officer as defined by s. 939.22 (22), but not
8 including a GLIFWC warden, as defined by s. 939.22 (12m), or a person who has authority
9 to act pursuant to a specific statute.

NOTE: Excludes GLIFWC wardens from the definition of “enforcing officer” for purposes of forfeiture procedures for the enforcement of state conservation laws.

10 **SECTION 6.** 30.64 of the statutes is amended to read:

11 **30.64 Patrol boats. (1)** The operator of a duly authorized patrol boat, including a
12 conservation warden employed by the great lakes Indian fish and wildlife commission, when
13 responding to an emergency call or when in pursuit of an actual or suspected violator of the
14 law, need not comply with state law or local ordinances fixing maximum speed limits when
15 a siren is being sounded and if due regard is given to the safety of other persons in the vicinity.
16 If a light is used in conjunction with a siren it shall be the oscillating or flashing type and be
17 fitted with a blue lens.

18 **(2)** Upon the approach of a duly authorized patrol boat, including a patrol boat operated
19 by a conservation warden employed by the great lakes Indian fish and wildlife commission,

1 giving an audio or visual signal the operator of a boat shall reduce the boat speed to that speed
2 necessary to maintain steerage control and yield the right-of-way to the patrol boat until it has
3 passed.

4 (3) No person operating a boat may refuse to stop after being requested or signaled to
5 do so by a law enforcement officer or a conservation warden employed by the great lakes
6 Indian fish and wildlife commission.

NOTE: Authorizes GLIFWC wardens to operate patrol boats in excess of speed limits, under specified circumstances, and requires other boat operators to yield to GLIFWC patrol boats and to stop when signaled by a GLIFWC warden.

7 SECTION 7. 165.83 (1) (e) of the statutes is amended to read:

8 165.83 (1) (e) "Tribal law enforcement agency" means ~~an~~ any of the following:

9 1. An agency of a tribe that is established for the purpose of preventing and detecting
10 crime on the reservation or trust lands of the tribe and enforcing the tribe's laws or ordinances,
11 that employs full time one or more persons who are granted law enforcement and arrest powers
12 under s. 165.92 (2) (a), and that was created by a tribe that agrees that its law enforcement
13 agency will perform the duties required of the agency under this section and s. 165.84.

14 SECTION 8. 165.83 (1) (e) 2. of the statutes is created to read:

15 165.83 (1) (e) 2. The great lakes Indian fish and wildlife commission, if the great lakes
16 Indian fish and wildlife commission agrees to perform the duties required under this section
17 and s. 165.84.

NOTE: The definition change made by SECTIONS 7 and 8 gives GLIFWC and its wardens access to the TIME system in exchange for GLIFWC accepting the duty to provide certain information in its possession to the DOJ for inclusion in the TIME system.

18 SECTION 9. 165.85 (2) (g) of the statutes is amended to read:

19 165.85 (2) (g) "Tribal law enforcement officer" means a any of the following:

1 1. A person who is employed by a tribe for the purpose of detecting and preventing
2 crime and enforcing the tribe's laws or ordinances, who is authorized by the tribe to make
3 arrests of Indian persons for violations of the tribe's laws or ordinances, and who agrees to
4 accept the duties of law enforcement officers under the laws of this state.

5 **SECTION 10.** 165.85 (2) (g) 2. of the statutes is created to read:

6 165.85 (2) (g) 2. A conservation warden employed by the great lakes Indian fish and
7 wildlife commission who agrees to accept the duties of law enforcement officers under the
8 laws of this state.

NOTE: The definition change made by SECTIONS 9 and 10 subjects
GLIFWC wardens who agree to accept the duties of law enforcement
officers to the rules and certification procedures of the LESB, which is a
prerequisite for exercising the authority to make arrests for violations of
state law and to render aid or assistance under s. 175.41, as created by
this draft.

9 **SECTION 11.** 175.41 of the statutes is created to read:

10 **175.41 Arrest and assistance; GLIFWC wardens. (1)** In this section:

11 (a) "Ceded territory" means the territory in Wisconsin ceded by the Chippewa Indians
12 to the United States in the treaty of 1837, 7 Stat. 536, and the treaty of 1842, 7 Stat. 591.

13 (b) "GLIFWC" means the great lakes Indian fish and wildlife commission.

14 (c) "GLIFWC warden" means a conservation warden employed by GLIFWC.

15 **(2)** For purposes of civil and criminal liability, a GLIFWC warden may, when in fresh
16 pursuit, follow anywhere in the state outside the ceded territory and arrest:

17 (a) A Chippewa tribal member for violation of the Chippewa off-reservation
18 conservation code, if the conditions of sub. (3) (a) and (e) are met.

19 (b) Any person for violation of the laws of this state, if the conditions of sub. (3) (a) to
20 (e) are met.

1 **(3)** Within the ceded territory, a GLIFWC warden may arrest a person for violation of
2 state law or provide aid or assistance to a Wisconsin peace officer if all of the following criteria
3 are met:

4 (a) The warden is on duty and on official business.

5 (b) Any of the following apply:

6 1. The warden is responding to any of the following:

7 a. An emergency situation that poses a significant threat to life or of bodily harm.

8 b. Acts that the warden believes, on reasonable grounds, constitute a felony.

9 2. The warden is rendering aid or assistance to a Wisconsin peace officer in an
10 emergency or at the request of the Wisconsin peace officer.

11 (c) The warden meets the requirements of s. 165.85 (4) (b) 1., (bn) 1., and (c) and has
12 agreed to accept the duties of a law enforcement officer under the laws of this state.

13 (d) GLIFWC has adopted and implemented written policies regarding making arrests
14 and rendering aid or assistance under this subsection, including a policy on notification to and
15 cooperation with the law enforcement agency of the jurisdiction in which such arrests are
16 made.

17 (e) GLIFWC maintains insurance, and provides evidence of the insurance to the
18 department of justice, that does all of the following:

19 1. Covers GLIFWC for general liability for negligent acts of GLIFWC wardens and
20 liability for errors and omissions under sub. (4).

21 2. Has a limit of coverage of not less than \$2,000,000 for any claim.

22 3. Provides that the insurer, in defending a claim against the policy, may not raise the
23 defense of sovereign immunity of the insured, up to the limits of the policy.

1 **(4)** Except as otherwise provided in an agreement between GLIFWC and the state or
2 a subdivision of the state, GLIFWC is liable for all acts of a GLIFWC warden while acting
3 under sub. (2) or (3), and neither the state nor any political subdivision of the state may be held
4 liable for any action of a GLIFWC warden taken under the authority of sub. (2) or (3). For
5 purposes of civil and criminal liability, a GLIFWC warden acting under sub. (2) or (3) is
6 considered to be acting in an official capacity.

7 **SECTION 12.** 340.01 (3) (b) of the statutes is amended to read:

8 340.01 **(3)** (b) Conservation wardens' vehicles, ~~or~~ foresters' trucks, or GLIFWC
9 wardens' vehicles, whether publicly or privately owned.

NOTE: Adds GLIFWC wardens' vehicles to the definition of "authorized
emergency vehicle".

10 **SECTION 13.** 340.01 (19c) of the statutes is created to read:

11 340.01 **(19c)** "GLIFWC" means the great lakes Indian fish and wildlife commission.

12 **SECTION 14.** 340.01 (19e) of the statutes is created to read:

13 340.01 **(19e)** "GLIFWC warden" means a conservation warden employed by
14 GLIFWC.

NOTE: SECTIONS 13 and 14 define "GLIFWC" and "GLIFWC warden"
for purposes of the statutes relating to motor vehicles and all-terrain
vehicles, except not ch. 350, stats.

15 **SECTION 15.** 341.17 (4) (h) of the statutes is created to read:

16 341.17 **(4)** (h) To GLIFWC, one copy of each automobile registration list under sub.
17 1.

18 **SECTION 16.** 341.17 (9) (c) 2. of the statutes is amended to read:

19 341.17 **(9)** (c) 2. A law enforcement agency, a state authority, ~~or~~ a federal governmental
20 agency, or GLIFWC to perform a legally authorized function.

21 **SECTION 17.** 343.235 (3) (a) of the statutes is amended to read:

1 343.235 (3) (a) A law enforcement agency, a state authority, ~~or~~ a federal governmental
2 agency, or GLIFWC to perform a legally authorized function.

3 **SECTION 18.** 343.237 (4) of the statutes is amended to read:

4 343.237 (4) If a law enforcement agency of another state or GLIFWC makes a request
5 meeting all the requirements specified for a request by a Wisconsin law enforcement agency
6 or a federal law enforcement agency under sub. (3), the department shall comply with the
7 request if all of the following apply:

8 (a) The law enforcement agency of the other state or GLIFWC agrees to comply with
9 all of the requirements under this section.

10 (b) The other state or GLIFWC allows Wisconsin law enforcement agencies similar or
11 greater access to similar information from that state or GLIFWC.

NOTE: SECTIONS 15 to 18 give GLIFWC access to DOT records regarding vehicle registrations, and to personal identifying information and drivers license and identification card photographs to the same extent that current law gives such access to law enforcement agencies and others.

Much of this information is accessible through the TIME system, to which GLIFWC is given access by SECTIONS 7 and 8 of this draft. However, the DOJ may not release the information via the TIME system to entities that do not have independent authority to receive the information directly from DOT, which these provisions provide.

12 **SECTION 19.** 350.02 (3m) of the statutes is amended to read:

13 350.02 (3m) A law enforcement officer or a conservation warden employed by the great
14 lakes Indian fish and wildlife commission may operate a snowmobile on a highway in
15 performance of his or her official duties if the snowmobile is equipped with a light that is red
16 or blue or a combination thereof and that is flashing, oscillating, or rotating.

17 **SECTION 20.** 350.17 (2) of the statutes is amended to read:

1 350.17 (2) No person operating a snowmobile shall refuse to stop after being requested
2 or signaled to do so by a law enforcement officer or a conservation warden employed by the
3 great lakes fish and wildlife commission.

NOTE: SECTIONS 19 and 20 authorize GLIFWC wardens to operate snowmobiles on highways, under specified circumstances, and requires other snowmobile operators to stop when signaled by a GLIFWC warden.

4 **SECTION 21.** 939.22 (12m) of the statutes is created to read:

5 939.22 (12m) “GLIFWC warden” means a conservation warden employed by the great
6 lakes Indian fish and wildlife commission.

7 **SECTION 22.** 939.22 (22) of the statutes is amended to read:

8 939.22 (22) “Peace officer” means any person vested by law with a duty to maintain
9 public order or to make arrests for crime, whether that duty extends to all crimes or is limited
10 to specific crimes. “Peace officer” includes a GLIFWC warden.

11 **SECTION 23.** 939.22 (37) of the statutes is created to read:

12 939.22 (37) “State–certified GLIFWC warden” means a GLIFWC warden who meets
13 the requirements of s. 165.85 (4) (b) 1., (bn) 1., and (c) and has agreed to accept the duties of
14 a law enforcement officer under the laws of this state.

NOTE: SECTIONS 21 to 23 define “GLIFWC warden” and “state–certified GLIFWC warden” for purposes of the criminal code and amend the definition of “peace officer” to include GLIFWC wardens.

15 **SECTION 24.** 940.20 (2) of the statutes is amended to read:

16 940.20 (2) BATTERY TO LAW ENFORCEMENT OFFICERS, AND FIRE FIGHTERS, AND GREAT
17 LAKES INDIAN FISH AND WILDLIFE COMMISSION WARDENS. Whoever intentionally causes bodily
18 harm to a law enforcement officer or fire fighter, as those terms are defined in s. 102.475 (8)
19 (b) and (c), or to a GLIFWC warden, acting in an official capacity and the person knows or

1 has reason to know that the victim is a law enforcement officer, ~~or~~ fire fighter, or GLIFWC
2 warden, by an act done without the consent of the person so injured, is guilty of a Class H
3 felony.

NOTE: Makes battery to a GLIFWC warden a Class H felony, as is
battery to a law enforcement officer or fire fighter under current law.

4 **SECTION 25.** 941.20 (1m) (b) of the statutes is amended to read:

5 941.20 **(1m)** (b) Whoever intentionally points a firearm at or towards a law enforcement
6 officer, a fire fighter, an emergency medical technician, a first responder, ~~or~~ an ambulance
7 driver, or a GLIFWC warden who is acting in an official capacity and who the person knows
8 or has reason to know is a law enforcement officer, a fire fighter, an emergency medical
9 technician, a first responder, ~~or~~ an ambulance driver, or a GLIFWC warden is guilty of a Class
10 H felony.

NOTE: Makes pointing a firearm at a GLIFWC warden a Class H felony,
as is pointing a firearm at a law enforcement officer or certain others
under current law.

11 **SECTION 26.** 941.20 (3) (b) 3. of the statutes is created to read:

12 941.20 **(3)** (b) 3. Notwithstanding par. (b) 1. a. and s. 939.22 (22), par. (a) applies to a
13 GLIFWC warden who is not a state-certified GLIFWC warden.

NOTE: Provides that the peace officers' exemption from the prohibition
on the discharge of a firearm from a vehicle is extended only to
state-certified GLIFWC wardens.

14 **SECTION 27.** 941.23 of the statutes is renumbered 941.23 (1).

15 **SECTION 28.** 941.23 (2) of the statutes is created to read:

16 941.23 **(2)** Notwithstanding s. 939.22 (22), sub. (1) applies to a GLIFWC warden who
17 is not a state-certified GLIFWC warden.

NOTE: SECTIONS 27 and 28 provide that the peace officers' exemption
from the prohibition on carrying a concealed weapon is extended only to
state-certified GLIFWC wardens.

1 **SECTION 29.** 941.235 (2) of the statutes is renumbered 941.235 (2) (a).

2 **SECTION 30.** 941.235 (2) (b) of the statutes is created to read:

3 941.235 (2) (b) Notwithstanding par. (a) and s. 939.22 (22), sub. (1) applies to a
4 GLIFWC warden who is not a state-certified GLIFWC warden.

NOTE: SECTIONS 29 and 30 provide that the peace officers' exemption
 from the prohibition on carrying a firearm in a public building is
 extended only to state-certified GLIFWC wardens.

5 **SECTION 31.** 941.237 (3m) of the statutes is created to read:

6 941.237 (3m) Notwithstanding sub. (3) (a) and s. 939.22 (22), sub. (2) applies to a
7 GLIFWC warden who is not a state-certified GLIFWC warden.

NOTE: Provides that the peace officers' exemption from the prohibition
 on carrying a firearm where alcoholic beverages are sold is extended
 only to state-certified GLIFWC wardens.

8 **SECTION 32.** 941.26 (4) (cm) of the statutes is created to read:

9 941.26 (4) (cm) Notwithstanding par. (c) 2. and s. 939.22 (22), par. (b) applies to a
10 GLIFWC warden who is not a state-certified GLIFWC warden.

NOTE: Provides that the peace officers' exemption from the prohibition
 on the use of pepper spray is extended only to state-certified GLIFWC
 wardens.

11 **SECTION 33.** 941.29 (10) of the statutes is renumbered 941.29 (10) (a).

12 **SECTION 34.** 941.29 (10) (b) of the statutes is created to read:

13 941.29 (10) (b) Notwithstanding par. (a) 1. and s. 939.22 (22), the prohibition against
14 possession of a firearm under this section applies to a person specified in sub. (1) (f) who is
15 a GLIFWC warden but who is not a state-certified GLIFWC warden.

NOTE: SECTIONS 33 and 34 provide that the peace officers' exemption
 from the prohibition on the possession of a firearm by a person subject to
 a domestic abuse or child abuse injunction is extended only to
 state-certified GLIFWC wardens.

16 **SECTION 35.** 941.295 (2m) of the statutes is created to read:

1 941.295 **(2m)** Notwithstanding sub. (2) (a) and s. 939.22 (22), sub. (1) applies to a
2 GLIFWC warden who is not a state-certified GLIFWC warden.

NOTE: Provides that the peace officers' exemption from the prohibition
 on the use of pepper spray is extended only to state-certified GLIFWC
 wardens.

3 **SECTION 36.** 941.2965 (3) (a) of the statutes is amended to read:

4 941.2965 **(3)** (a) Any peace officer acting in the discharge of his or her official duties.
5 Notwithstanding s. 939.22 (22), this paragraph does not apply to a GLIFWC warden.

NOTE: Specifies that GLIFWC wardens are *not* exempt from
 prohibitions regarding the possession or display of facsimile firearms.

6 **SECTION 37.** 941.298 (3) (a) of the statutes is amended to read:

7 941.298 **(3)** (a) Any peace officer who is acting in compliance with the written policies
8 of the officer's department or agency. This paragraph does not apply to any officer whose
9 department or agency does not have such a policy. Notwithstanding s. 939.22 (22), this
10 paragraph does not apply to a GLIFWC warden.

NOTE: Specifies that GLIFWC wardens are *not* exempt from the
 prohibition of the sale, delivery, or possession or display of a firearms
 silencer.

11 **SECTION 38.** 941.299 (2) (a) of the statutes is amended to read:

12 941.299 **(2)** (a) Intentionally direct a beam of light from a laser pointer at any part of
13 the body of a correctional officer, ~~or law enforcement officer,~~ or GLIFWC warden without the
14 officer's consent, if the person knows or has reason to know that the victim is a correctional
15 officer, ~~or law enforcement officer,~~ or GLIFWC warden who is acting in an official capacity.

NOTE: Prohibits pointing a laser pointer at a GLIFWC warden, as
 current law prohibits pointing a laser pointer at a law enforcement or
 correctional officer.

16 **SECTION 39.** 941.31 (2) (c) of the statutes is amended to read:

1 941.31 (2) (c) This subsection does not apply to the transportation, possession, use, or
2 transfer of any improvised explosive device by any armed forces or national guard personnel
3 or to any peace officer in the line of duty or as part of a duty-related function or exercise. The
4 restriction on transportation in this subsection does not apply to common carriers.
5 Notwithstanding s. 939.22 (22), this paragraph does not apply to a GLIFWC warden.

NOTE: Specifies that GLIFWC wardens are *not* exempt from the
prohibition of the transportation, possession, use, or transfer or display
of a firearms silencer.

6 **SECTION 40.** 948.55 (4m) of the statutes is created to read:

7 948.55 (4m) Notwithstanding sub. (4) (d) and s. 939.22 (22), subs. (2) and (3) apply
8 to a GLIFWC warden who is not a state-certified GLIFWC warden.

NOTE: Provides that the peace officers' limited exemption from the
prohibition on allowing a child to gain access to a loaded firearm is
extended only to state-certified GLIFWC wardens.

9 **SECTION 41.** 948.605 (2) (b) 6. of the statutes is amended to read:

10 948.605 (2) (b) 6. By a law enforcement officer or state-certified GLIFWC warden
11 acting in his or her official capacity; or

12 **SECTION 42.** 948.605 (3) (b) 4. of the statutes is amended to read:

13 948.605 (3) (b) 4. By a law enforcement officer or state-certified GLIFWC warden
14 acting in his or her official capacity.

15 **SECTION 43.** 948.61 (3) (c) of the statutes is amended to read:

16 948.61 (3) (c) Is a law enforcement officer or state-certified GLIFWC warden acting
17 in the discharge of his or her official duties.

NOTE: SECTIONS 41 to 43 extend to state-certified GLIFWC wardens the
exception to the prohibitions on possession or discharge of a firearm and
possession of other dangerous weapons in a school zone that current law
gives to law enforcement officers.