

State of Wisconsin



2005 Assembly Bill 842

Date of enactment: **May 10, 2006**
Date of publication*: **May 24, 2006**

2005 WISCONSIN ACT 394

AN ACT *to repeal* 29.934 (3); *to amend* 20.370 (1) (Lq), 29.541 (1) (a) (intro.), 29.931 (1), 29.931 (2) (a), 29.931 (2) (b), 29.934 (1) (a), 29.934 (2) and 968.20 (3); and *to create* 29.597 (7) and 29.938 of the statutes; **relating to:** the use by the Department of Natural Resources of seized, confiscated, or unclaimed property for educational hunting, fishing, trapping, and other conservation activities; the sale by the Department of Natural Resources of seized, perishable property and confiscated wild animals and carcasses; and the receipt of proceeds by the Department of Natural Resources for skins of fur-bearing animals that are prepared as part of the course of instruction under the trapper education program.

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

SECTION 1. 20.370 (1) (Lq) of the statutes is amended to read:

20.370 (1) (Lq) *Trapper education program.* As a continuing appropriation, all moneys remitted to the department under s. 29.597 (3), an amount equal to the amount calculated under s. 29.331 (3m), all moneys received from the sale of skins processed as part of the trapper education program under s. 29.597, and all moneys received from fees collected under s. 29.563 (12) (c) 3. for the trapper education program under s. 29.597.

SECTION 2. 29.541 (1) (a) (intro.) of the statutes is amended to read:

29.541 (1) (a) (intro.) ~~No~~ Except as authorized under s. 29.934 (2), no innkeeper, manager or steward of any restaurant, club, hotel, boarding house, tavern, logging camp or mining camp may sell, barter, serve or give, or cause to be sold, bartered, served or given, to its guests or boarders any of the following:

SECTION 3. 29.597 (7) of the statutes is created to read:

29.597 (7) **PROCEEDS FROM THE SALE OF SKINS.** The department may sell, either directly or by an agent under supervision of the department, skins that are prepared as a part of the course of instruction under the trapper education program. Any proceeds that the department receives from the sale of these skins shall be credited to the appropriation account under s. 20.370 (1) (Lq).

SECTION 3g. 29.931 (1) of the statutes is amended to read:

29.931 (1) **SEIZURE AND CONFISCATION OF WILD ANIMALS OR PLANTS.** The department and its wardens shall seize and confiscate any wild animal, carcass or plant caught, killed, taken, had in possession or under control, sold or transported in violation of ~~this chapter or ch. 169~~ any of the laws for which the department and its wardens have enforcement authority under s. 29.921. The officer also may, with or without warrant, open, enter and examine all buildings, camps, boats on inland or outlying waters, vehicles, valises, packages and other places where the officer has probable cause to believe that wild animals, carcasses or plants, that are taken or held in violation of ~~this chapter or ch. 169,~~ any of these laws are to be found.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 3r. 29.931 (2) (a) of the statutes is amended to read:

29.931 (2) (a) The department and its wardens shall seize and hold, subject to the order of the court for the county in which the alleged offense was committed, any vehicle, boat or object declared by this chapter to be a public nuisance, or which they have probable cause to believe is being used in violation of ~~this chapter or ch. 169 or s. 167.31, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, is being used in the commission of a crime involving an animal normally found in the wild in violation of s. 951.09, or is being used in the commission of a crime relating to a submerged cultural resource in violation of s. 44.47~~ any of the laws for which the department and its wardens have enforcement authority under s. 29.921. If it is proven that the vehicle, boat or object is a public nuisance or that within 6 months previous to the seizure the vehicle, boat or object was used in violation of ~~this chapter or ch. 169 or s. 167.31, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, was used in the commission of a crime involving an animal normally found in the wild in violation of s. 951.09, or was used in the commission of a crime relating to a submerged cultural resource in violation of s. 44.47~~ any of the laws for which the department and its wardens have enforcement authority under s. 29.921, it shall be confiscated if the court directs in its order for judgment.

SECTION 4. 29.931 (2) (b) of the statutes is amended to read:

29.931 (2) (b) Any perishable property seized by the department or its wardens under this section may be sold at the highest available price, and the proceeds of the sale turned into court for disposition as the court directs.

SECTION 5m. 29.934 (1) (a) of the statutes is amended to read:

29.934 (1) (a) All wild animals, carcasses ~~or~~ plants, vehicles, boats, or objects that are confiscated by the department for a violation of ~~this chapter or ch. 169 and all vehicles, boats or objects confiscated by the department for a violation of this chapter or ch. 169~~ any of the laws for which the department and its wardens have enforcement authority under s. 29.921 shall, if not destroyed as authorized by law, be sold at the highest price obtainable except as provided in ss. 29.936 and 29.938, by the department, or by an agent on commission under supervision of the department. The net proceeds of sales under this subsection, after deducting the expense of seizure and sale and any commissions and any amounts owing to holders of security interests under par. (c) or (d), shall be remitted to the department. The remittance shall be accompanied by a report of the sales, supported by vouchers for expenses and commissions, and shall be filed with the department.

SECTION 6. 29.934 (2) of the statutes is amended to read:

29.934 (2) On any sales under this section of wild animals or carcasses, the department or the agent selling them shall issue to each purchaser a certificate, on forms prepared and furnished by the department, covering the sales. The wild animals or carcasses so purchased shall be consumed, resold, or otherwise disposed of by the purchaser within a period to be set by the department, ~~but may not be.~~ Any such wild animal or carcass may be resold or exchanged, in whole or in part, to any other another person, except as provided in sub. (3) only as authorized by the department.

SECTION 7. 29.934 (3) of the statutes is repealed.

SECTION 8. 29.938 of the statutes is created to read:

29.938 Use by the department of unclaimed, seized, or confiscated property. The department may receive, retain, and use for the hunter education programs under ss. 29.591 and 29.595, the trapper education program under s. 29.597, or other educational hunting, fishing, trapping, or conservation activities the department conducts any of the following property:

(1) Property seized or confiscated for violations of s. 167.31 or 943.13, this chapter, or ch. 169 or 951.

(2) Property turned over to the department under s. 968.20 (3).

(3) Personal property that is in the possession of the department and that is lost, abandoned, or not claimed by its owner.

SECTION 9. 968.20 (3) of the statutes is amended to read:

968.20 (3) (a) First class cities shall dispose of dangerous weapons or ammunition seized 12 months after taking possession of them if the owner, authorized under sub. (1m), has not requested their return and if the dangerous weapon or ammunition is not required for evidence or use in further investigation and has not been disposed of pursuant to a court order at the completion of a criminal action or proceeding. Disposition procedures shall be established by ordinance or resolution and may include provisions authorizing an attempt to return to the rightful owner any dangerous weapons or ammunition which appear to be stolen or are reported stolen. If enacted, any such provision shall include a presumption that if the dangerous weapons or ammunition appear to be or are reported stolen an attempt will be made to return the dangerous weapons or ammunition to the authorized rightful owner. If the return of a seized dangerous weapon other than a firearm is not requested by its rightful owner under sub. (1) and is not returned by the officer under sub. (2), the city shall safely dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell the motor vehicle following the procedure under s. 973.075 (4) or authorize a law enforcement agency to retain and use the motor vehicle. If the return of a seized firearm or ammunition is not requested by its authorized rightful owner under sub. (1) and is not

returned by the officer under sub. (2), the seized firearm or ammunition shall be shipped to and become property of the state crime laboratories. A person designated by the department of justice may destroy any material for which the laboratory has no use or arrange for the exchange of material with other public agencies. In lieu of destruction, shoulder weapons for which the laboratories have no use shall be turned over to the department of natural resources for sale and distribution of proceeds under s. 29.934 or for use under s. 29.938.

(b) Except as provided in par. (a) or sub. (1m) or (4), a city, village, town or county or other custodian of a seized dangerous weapon or ammunition, if the dangerous weapon or ammunition is not required for evidence or use in further investigation and has not been disposed of pursuant to a court order at the completion of a criminal action or proceeding, shall make reasonable efforts to notify all persons who have or may have an authorized rightful interest in the dangerous weapon or ammunition of the application requirements under sub. (1). If, within 30 days after the notice, an application under sub. (1) is not made and the seized dangerous weapon or ammuni-

tion is not returned by the officer under sub. (2), the city, village, town or county or other custodian may retain the dangerous weapon or ammunition and authorize its use by a law enforcement agency, except that a dangerous weapon used in the commission of a homicide or a handgun, as defined in s. 175.35 (1) (b), may not be retained. If a dangerous weapon other than a firearm is not so retained, the city, village, town or county or other custodian shall safely dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell the motor vehicle following the procedure under s. 973.075 (4). If a firearm or ammunition is not so retained, the city, village, town or county or other custodian shall ship it to the state crime laboratories and it is then the property of the laboratories. A person designated by the department of justice may destroy any material for which the laboratories have no use or arrange for the exchange of material with other public agencies. In lieu of destruction, shoulder weapons for which the laboratory has no use shall be turned over to the department of natural resources for sale and distribution of proceeds under s. 29.934 or for use under s. 29.938.
