



1995 SENATE BILL 51

January 31, 1995 - Introduced by Senators DRZEWIECKI, SCHULTZ and DARLING, cosponsored by Representatives JOHNSRUD, GOETSCH, FREESE, AINSWORTH, BRANDEMUEHL, OTTE, MUSSER, SILBAUGH, GRONEMUS, LADWIG, BRANCEL, BOYLE, KLUSMAN, REYNOLDS, OWENS, KRUSICK, HASENOHRL, SKINDRUD, DOBYNS, F. LASEE, HARSDDORF, HAHN, HANDRICK and SERATTI. Referred to Committee on Transportation, Agriculture and Local Affairs.

1 **AN ACT to repeal** 30.45 (7) (c), 943.13 (2) and 943.13 (3); **to amend** 943.13 (4m)
2 (a); **to repeal and recreate** 943.13 (1); and **to create** 943.13 (3m) of the
3 statutes; **relating to:** trespass to land.

Analysis by the Legislative Reference Bureau

Currently, a person who trespasses on another's land violates state law and is subject to a forfeiture (civil penalty) of not more than \$1,000. The offense involves entry on enclosed or cultivated land with a motor vehicle or with intent to hunt, fish or gather products of the soil without the owner's or occupant's consent, or entry on or hunting, fishing or gathering on any land after having been notified not to do so by the owner or occupant. The notification may be given in writing or orally or by posting notice with signs or markings.

This bill broadens the scope of the law and eliminates distinctions based on the type of land involved. A person is guilty of trespass if he or she enters or remains on the land of another without the consent of the owner or occupant. The prohibition applies whether or not the person is in a vehicle and regardless of the person's purpose in entering or remaining on the land. As the consent of the owner or occupant is always needed, the bill eliminates the current law provisions relating to posting and marking. The bill allows the owner or occupant to give consent to enter for a specified purpose or subject to conditions. The bill keeps the current exemption allowing a person, under certain circumstances, to enter land to remove or hunt wild animals that are causing damage.

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

4 **SECTION 1.** 30.45 (7) (c) of the statutes is repealed.

