



2001 ASSEMBLY BILL 313

April 12, 2001 - Introduced by Representatives JOHNSRUD, OTT, VRAKAS, AINSWORTH, WOOD, ALBERS, BERCEAU, KREIBICH, LA FAVE and J. LEHMAN, cosponsored by Senators BAUMGART, COWLES, HARSDFORF and SCHULTZ, by request of Department of Natural Resources. Referred to Committee on Natural Resources.

1 **AN ACT to renumber** 29.314 (2); **to amend** 29.314 (title), 29.314 (2) (title), 29.314
2 (3) (title), 29.314 (3) (a), 29.314 (4) (title), 29.314 (4) (a), 29.314 (5) (title), 29.314
3 (5) (a), 29.314 (5) (b) 4. and 29.314 (6); and **to create** 29.314 (1) (bm), 29.314 (2)
4 (a) (title), 29.314 (2) (b), 29.314 (3) (b) 4., 29.314 (4) (b) 4., 29.314 (5) (b) 3m. and
5 29.314 (5) (b) 3r. of the statutes; **relating to:** prohibiting certain uses of night
6 vision equipment to locate, or attempt to locate, wild animals.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, no person may use, or possess with intent to use, a light for the purpose of shining wild animals while the person is hunting or in possession of a firearm, bow and arrow, or crossbow. A person is shining an animal if the person is casting rays of light on an area for the purpose of illuminating, locating, or attempting to illuminate or locate wild animals. Current law also prohibits a person from using or possessing with intent to use a light for shining wild animals between 10 p.m. and 7 a.m. from September 15 to December 31, regardless of whether they are hunting with a weapon.

This bill prohibits a person from using night vision equipment under the same conditions under which shining wild animals is prohibited. Under the bill, "night vision equipment" means a device, other than a light, that makes objects visible in the dark by using technology that converts ambient heat or light into an electronic image. The bill provides that the prohibition against the use of night vision

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equipment does not apply to a person authorized by the department of natural resources to remove a wild animal that is causing damage or that is causing a nuisance or to a person who uses a stationary yard light to illuminate his or her residential property.

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

1 **SECTION 1.** 29.314 (title) of the statutes is amended to read:

2 **29.314 (title) Shining animals and using night vision equipment.**

3 **SECTION 2.** 29.314 (1) (bm) of the statutes is created to read:

4 29.314 (1) (bm) "Night vision equipment" means a device, other than a light,
5 that makes objects visible in the dark by using technology that converts ambient heat
6 or light into an electronic image.

7 **SECTION 3.** 29.314 (2) (title) of the statutes is amended to read:

8 29.314 (2) (title) ~~PRESUMPTION~~ PRESUMPTIONS.

9 **SECTION 4.** 29.314 (2) of the statutes is renumbered 29.314 (2) (a).

10 **SECTION 5.** 29.314 (2) (a) (title) of the statutes is created to read:

11 29.314 (2) (a) (title) *Shining.*

12 **SECTION 6.** 29.314 (2) (b) of the statutes is created to read:

13 29.314 (2) (b) *Using night vision equipment.* A person possessing night vision
14 equipment while in a field, forest, or other area that is frequented by wild animals
15 is presumed to be using or possessing with intent to use the night vision equipment
16 to locate, or attempt to locate, wild animals. A person may introduce evidence to
17 rebut this presumption.

18 **SECTION 7.** 29.314 (3) (title) of the statutes is amended to read:

19 29.314 (3) (title) ~~SHINING DEER OR BEAR~~ OR USING NIGHT VISION EQUIPMENT WHILE
20 HUNTING OR POSSESSING WEAPONS PROHIBITED.

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1 **SECTION 8.** 29.314 (3) (a) of the statutes is amended to read:

2 29.314 (3) (a) *Prohibition.* No person may use or possess with intent to use a
3 light for shining deer or bear or use or possess with intent to use night vision
4 equipment to locate, or attempt to locate, deer or bear while the person is hunting
5 deer or bear or in possession of a firearm, bow and arrow, or crossbow.

6 **SECTION 9.** 29.314 (3) (b) 4. of the statutes is created to read:

7 29.314 (3) (b) 4. To a person who uses night vision equipment to assist the
8 person in the removal of a deer or bear as authorized by the department under s.
9 29.885 (2).

10 **SECTION 10.** 29.314 (4) (title) of the statutes is amended to read:

11 29.314 (4) (title) SHINING WILD ANIMALS OR USING NIGHT VISION EQUIPMENT WHILE
12 HUNTING OR POSSESSING WEAPONS PROHIBITED.

13 **SECTION 11.** 29.314 (4) (a) of the statutes is amended to read:

14 29.314 (4) (a) *Prohibition.* No person may use or possess with intent to use a
15 light for shining wild animals or use or possess with intent to use night vision
16 equipment to locate, or attempt to locate, wild animals while the person is hunting
17 or in possession of a firearm, bow and arrow or crossbow.

18 **SECTION 12.** 29.314 (4) (b) 4. of the statutes is created to read:

19 29.314 (4) (b) 4. To a person who uses night vision equipment to assist the
20 person in the removal of a wild animal as authorized by the department under s.
21 29.885 (2).

22 **SECTION 13.** 29.314 (5) (title) of the statutes is amended to read:

23 29.314 (5) (title) SHINING WILD ANIMALS OR USING NIGHT VISION EQUIPMENT AFTER
24 10 P.M. DURING CERTAIN TIMES OF THE YEAR PROHIBITED.

25 **SECTION 14.** 29.314 (5) (a) of the statutes is amended to read:

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1 29.314 (5) (a) *Prohibition*. No person may use or possess with intent to use a
2 light for shining wild animals, or use or possess with intent to use night vision
3 equipment to locate, or attempt to locate, wild animals, between 10 p.m. and 7 a.m.
4 from September 15 to December 31.

5 **SECTION 15.** 29.314 (5) (b) 3m. of the statutes is created to read:

6 29.314 (5) (b) 3m. To a person who uses night vision equipment to assist the
7 person in the removal of a wild animal as authorized by the department under s.
8 29.885 (2).

9 **SECTION 16.** 29.314 (5) (b) 3r. of the statutes is created to read:

10 29.314 (5) (b) 3r. To a person who uses a stationary yard light for the purpose
11 of illuminating residential property that the person owns, leases, or occupies.

12 **SECTION 17.** 29.314 (5) (b) 4. of the statutes is amended to read:

13 29.314 (5) (b) 4. If rules promulgated by the department specifically permit a
14 person to use or possess a light for shining wild animals or use or possess night vision
15 equipment to locate, or attempt to locate, wild animals during these times.

16 **SECTION 18.** 29.314 (6) of the statutes is amended to read:

17 29.314 (6) COUNTY ORDINANCE. A county may regulate or prohibit the use of or
18 possession with intent to use a light for shining wild animals or the use of or
19 possession with intent to use night vision equipment to locate, or attempt to locate,
20 wild animals. A county ordinance may not be less restrictive than the prohibition
21 under sub. (5) (a). The exceptions under sub. (5) (b) apply to a county ordinance
22 adopted under this subsection. A county may provide for a forfeiture of not more than
23 \$1,000 for violation of a county ordinance adopted under this subsection.

24

(END)