



2023 ASSEMBLY BILL 633

November 8, 2023 - Introduced by Representatives TITTL, PLUMER, BROOKS, EDMING, GUSTAFSON, MURPHY, MURSAU, RETTINGER, SCHMIDT, SORTWELL and VANDERMEER, cosponsored by Senators STAFSHOLT, FELZKOWSKI and TOMCZYK. Referred to Committee on Sporting Heritage.

1 **AN ACT to amend** 29.016 (1) (b), 29.016 (2) (intro.), 29.053 (3), 29.089 (2) (intro.),
2 29.091 (1), 29.091 (2) (intro.), 29.164 (2) (b), 29.173 (2) (a), 29.182 (3) (a), 29.182
3 (3) (b), 29.184 (3) (am), 29.184 (3) (c), 29.185 (6) (a) 1., 29.185 (6) (b), 29.193 (2)
4 (cr) 4., 29.193 (2) (d), 29.211 (2), 29.311 (1), 29.312 (2), 29.314 (3) (a), 29.324 (1)
5 (b), 29.324 (1) (d), 29.341 (1), 29.345, 29.592 (1) (intro.), 29.621 (4) (intro.),
6 29.927 (6g), 29.971 (12), 66.0409 (1) (a), 167.31 (2) (c), 167.31 (2) (d), 167.31 (3)
7 (b), 167.31 (3m) (a), 167.31 (4) (a) (intro.), 167.31 (4) (am) 1., 167.31 (4) (at),
8 167.31 (4) (cg) (intro.), 167.31 (4) (cg) 4., 167.31 (4) (cg) 6., 167.31 (4) (e), 167.31
9 (4) (f), 167.31 (4) (fm) and 167.31 (4) (h) (intro.); and **to create** 29.001 (7), 29.014
10 (1u) and 167.31 (1) (am) of the statutes; **relating to:** hunting with an airgun,
11 providing an exemption from emergency rule procedures, granting
12 rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under this bill, a person may hunt a wild animal with an airgun in a season open to hunting that animal with a firearm. “Airgun” is defined to mean a weapon

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originally manufactured to expel one or more metal projectiles by the expansion of compressed air.

Under current law, the Department of Natural Resources is authorized to establish open and closed seasons for the hunting of wild animals. DNR issues hunting licenses that authorize the hunting of specified animals, and those licenses specify the type of weapon that may be used when hunting under those licenses.

Under the bill, if DNR establishes an open season for hunting an animal with a firearm, the season must also be open for hunting that animal with an airgun. The bill also provides that each license that currently authorizes the hunting of an animal with a firearm also authorizes the hunting of that animal with an airgun.

Current law generally prohibits discharging a firearm from a vehicle or aircraft, across a highway, within 50 feet of a highway, and in the direction of a transmission facility. The bill expands these prohibitions to include discharging an airgun.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

1 **SECTION 1.** 29.001 (7) of the statutes is created to read:

2 29.001 (7) “Airgun” means a weapon originally manufactured to expel one or
3 more metal projectiles by the expansion of compressed air.

4 **SECTION 2.** 29.014 (1u) of the statutes is created to read:

5 29.014 (1u) (a) If the department establishes an open season for hunting an
6 animal with a firearm, the season shall also be open for hunting that animal with an
7 airgun.

8 (b) The department may promulgate rules limiting the types of airguns that
9 may be used to hunt specific species during particular hunting seasons. If the
10 department promulgates rules under this paragraph, the department shall allow the
11 use of airguns and airgun ammunition that are similar to permitted firearms and
12 firearm ammunition with regards to effectiveness for hunting.

13 **SECTION 3.** 29.016 (1) (b) of the statutes is amended to read:

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1 29.016 (1) (b) Except as provided in subs. (2) and (3), establish a fall open
2 season for hunting deer with firearms and airguns that begins before the Saturday
3 immediately preceding the 4th Thursday in November.

4 **SECTION 4.** 29.016 (2) (intro.) of the statutes is amended to read:

5 29.016 (2) (intro.) Subsection (1) (b) does not prohibit the department from
6 promulgating a rule that establishes a fall open season for hunting deer with
7 firearms and airguns that begins before the Saturday immediately preceding the 4th
8 Thursday in November if any of the following applies:

9 **SECTION 5.** 29.053 (3) of the statutes is amended to read:

10 29.053 (3) The department may modify any requirement of this chapter or
11 rules promulgated under it, establish special seasons, authorize the use of special
12 equipment or take any other action in order to provide additional hunting and fishing
13 opportunities for persons who are physically disabled or visually handicapped. The
14 department may limit the number of persons involved, except that if the department
15 establishes a special season for hunting deer with firearms and airguns for persons
16 who are physically disabled, the season shall be open to persons who have been
17 issued a Class D permit under s. 29.193 (2).

18 **SECTION 6.** 29.089 (2) (intro.) of the statutes is amended to read:

19 29.089 (2) (intro.) No person may have in his or her possession or under his or
20 her control a firearm or airgun on land located in state fish hatcheries unless the
21 firearm or airgun is unloaded and enclosed within a carrying case. This subsection
22 does not apply to any of the following:

23 **SECTION 7.** 29.091 (1) of the statutes is amended to read:

24 29.091 (1) No person may hunt or trap within any wildlife refuge established
25 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession

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1 or control of any gun, firearm, airgun, bow, or crossbow unless the gun or firearm,
2 or airgun is unloaded, the bow or crossbow is unstrung, and the gun, firearm, airgun,
3 bow, or crossbow is enclosed within a carrying case. The taking of predatory game
4 birds and animals shall be done as the department directs. All state wildlife refuge
5 boundary lines shall be marked by posts placed at intervals of not over 500 feet and
6 bearing signs with the words "Wisconsin Wildlife Refuge".

7 **SECTION 8.** 29.091 (2) (intro.) of the statutes is amended to read:

8 29.091 (2) (intro.) The prohibition in sub. (1), as it relates to the possession or
9 control of a loaded or unencased gun or firearm, or airgun within a refuge
10 established under s. 23.09 (2) (b), does not apply to any of the following:

11 **SECTION 9.** 29.164 (2) (b) of the statutes is amended to read:

12 29.164 (2) (b) *Type of hunting authorized.* A license issued under this section
13 authorizes hunting with a firearm, airgun, bow and arrow, or crossbow.

14 **SECTION 10.** 29.173 (2) (a) of the statutes is amended to read:

15 29.173 (2) (a) A resident deer hunting license authorizes the hunting of deer
16 with a firearm, airgun, bow and arrow, or crossbow.

17 **SECTION 11.** 29.182 (3) (a) of the statutes is amended to read:

18 29.182 (3) (a) A resident elk hunting license authorizes a resident of this state
19 to hunt elk with a firearm, airgun, bow and arrow, or crossbow.

20 **SECTION 12.** 29.182 (3) (b) of the statutes is amended to read:

21 29.182 (3) (b) A nonresident elk hunting license authorizes a nonresident of
22 this state to hunt elk with a firearm, airgun, bow and arrow, or crossbow.

23 **SECTION 13.** 29.184 (3) (am) of the statutes is amended to read:

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1 29.184 (3) (am) *Evidence of bear hunting.* The fact that a person is observing
2 a bear while possessing a firearm or airgun is not sufficient evidence to prove that
3 the person holding the firearm or airgun is hunting bear.

4 **SECTION 14.** 29.184 (3) (c) of the statutes is amended to read:

5 29.184 (3) (c) *Type of hunting authorized.* A Class A bear license authorizes
6 hunting with a firearm, airgun, bow and arrow, or crossbow.

7 **SECTION 15.** 29.185 (6) (a) 1. of the statutes is amended to read:

8 29.185 (6) (a) 1. A firearm or airgun, as authorized under par. (b), a bow and
9 arrow, or a crossbow.

10 **SECTION 16.** 29.185 (6) (b) of the statutes is amended to read:

11 29.185 (6) (b) *Firearms and ammunition.* A wolf harvesting license authorizes
12 hunting with a rifle, a muzzle-loading firearm, a handgun, a shotgun that fires slugs
13 or shotshells, an airgun, and any other firearm that is loaded with a single slug or
14 ball. A wolf harvesting license authorizes hunting with shot that is larger than size
15 BB.

16 **SECTION 17.** 29.193 (2) (cr) 4. of the statutes is amended to read:

17 29.193 (2) (cr) 4. A person holding a current resident or nonresident deer
18 hunting license and a Class D permit may hunt deer of either sex with a firearm or
19 airgun only during a special season established by the department that is open for
20 hunting deer with firearms by disabled persons who hold a permit under this section.

21 **SECTION 18.** 29.193 (2) (d) of the statutes is amended to read:

22 29.193 (2) (d) *Assistance.* 1. A holder of a Class A or Class B permit may be
23 accompanied by a person who is not eligible to apply for a Class A or Class B permit.
24 The accompanying person may not hunt or carry a firearm, airgun, bow, or crossbow
25 unless that person has been issued the appropriate approval to do so. The assistance

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1 rendered by an accompanying person who has not been issued the appropriate
2 approval is limited to field dressing, tagging, and retrieving game for the permit
3 holder.

4 2. A holder of a Class C permit shall be accompanied by a person who is not
5 eligible to apply for a permit under this section. The accompanying person may not
6 hunt or carry a firearm, airgun, bow, or crossbow unless the person has been issued
7 the appropriate approval to do so. The assistance rendered by an accompanying
8 person may include sighting the firearm, airgun, bow, or crossbow, identifying the
9 game, and field dressing, tagging, and retrieving game for the permit holder.

10 3. A holder of a Class D permit may use an adaptive device, as authorized by
11 the department by rule, to facilitate the use of a firearm or an airgun and may be
12 accompanied by a person who is not eligible to apply for a permit under this section.
13 The accompanying person may not hunt or carry a firearm, airgun, bow, or crossbow
14 unless that person has been issued the appropriate approval to do so. The assistance
15 rendered by an accompanying person who has not been issued the appropriate
16 approval is limited to field dressing, tagging, and retrieving game for the permit
17 holder and any other assistance authorized by the department by rule.

18 **SECTION 19.** 29.211 (2) of the statutes is amended to read:

19 29.211 (2) AUTHORIZATION. A nonresident deer hunting license authorizes the
20 hunting of deer with a firearm, airgun, bow and arrow, or crossbow.

21 **SECTION 20.** 29.311 (1) of the statutes is amended to read:

22 29.311 (1) No person may hunt waterfowl or coots with any firearm or airgun
23 using any shotshell classified by the federal government as toxic or harmful to
24 wildlife or the environment.

25 **SECTION 21.** 29.312 (2) of the statutes is amended to read:

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1 29.312 (2) The department may not promulgate or enforce a rule that prohibits
2 a person from sighting a firearm or airgun on land owned or leased by that person
3 or a member of that person's immediate family during the 24-hour period prior to
4 the opening date for hunting deer with firearms in any area where there is an open
5 season for hunting deer with firearms.

6 **SECTION 22.** 29.314 (3) (a) of the statutes is amended to read:

7 29.314 (3) (a) *Prohibition.* No person may use or possess with intent to use a
8 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in
9 possession of a firearm, airgun, bow and arrow, or crossbow.

10 **SECTION 23.** 29.324 (1) (b) of the statutes is amended to read:

11 29.324 (1) (b) "Group deer hunting party" means 2 or more hunters hunting in
12 a group all using firearms or airguns, each of whom holds an individual license to
13 hunt deer.

14 **SECTION 24.** 29.324 (1) (d) of the statutes is amended to read:

15 29.324 (1) (d) "Youth deer license" means a license that is issued by the
16 department to a person who is under the age of 18 and that authorizes the hunting
17 of deer with a firearm or airgun.

18 **SECTION 25.** 29.341 (1) of the statutes is amended to read:

19 29.341 (1) Any person who, while hunting any wild animal or bird, discharges
20 a firearm, airgun, or arrow, and by that discharge injures or kills another person,
21 shall immediately give his or her name and address to the injured person, render
22 assistance to the injured person and obtain immediate medical or hospital care for
23 the injured person, and immediately report the injury or death to the sheriff or police
24 of the locality in which the shooting took place.

25 **SECTION 26.** 29.345 of the statutes is amended to read:

ASSEMBLY BILL 633**SECTION 26****1 29.345 Hunting, fishing or trapping accident; failure to report. (1)**

2 Every person who has caused or been involved in an accident in which a person has
3 been injured by discharge of a firearm, airgun, or arrow while hunting, fishing, or
4 trapping, or inflicted an injury upon himself or herself with a firearm, airgun, or with
5 an arrow while hunting, fishing, or trapping, shall render a report to the department
6 at any of its field offices within 10 days after the injury unless the person is physically
7 incapable of making the required report, in which event the person or persons
8 involved in the accident shall designate an agent to file the report within the
9 specified time.

10 **(2)** Any person who is involved in an accident with a firearm, airgun, or arrow
11 while hunting, fishing, or trapping, and who fails to submit the report required by
12 this section, shall forfeit not more than \$50. In addition, the court may revoke any
13 license issued to the person under this chapter and may further provide that no
14 license shall be issued to the person under this chapter for a fixed period of time
15 specified by the court.

16 **SECTION 27.** 29.592 (1) (intro.) of the statutes is amended to read:

17 29.592 (1) (intro.) A person may hunt in this state without obtaining a
18 certificate of accomplishment under s. 29.591 and may, while hunting, possess or
19 control a firearm or an airgun if all of the following apply:

20 **SECTION 28.** 29.621 (4) (intro.) of the statutes is amended to read:

21 29.621 (4) PROTECTION. (intro.) Except as provided in s. 29.091 (1), no owner
22 of a wildlife refuge, and no other person, may hunt or trap within the boundaries of
23 any wildlife refuge or have in his or her possession or under his or her control in the
24 wildlife refuge a gun, firearm, airgun, bow, or crossbow, unless the gun ~~or~~, firearm,
25 or airgun is unloaded, the bow or crossbow is unstrung, and the gun, firearm, airgun,

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1 bow, or crossbow is enclosed within a carrying case. This subsection, as it relates to
2 the possession or control of a loaded or unencased firearm or airgun, does not apply
3 to any of the following:

4 **SECTION 29.** 29.927 (6g) of the statutes is amended to read:

5 29.927 (6g) Any lamp, light, gun, firearm, airgun, ammunition, bow, crossbow,
6 bolt, or arrow used in violation of this chapter or s. 167.31 or any rules promulgated
7 under s. 167.31.

8 **SECTION 30.** 29.971 (12) of the statutes is amended to read:

9 29.971 (12) In addition to any other penalty for violation of this chapter or any
10 department order made under this chapter, the court may revoke any or all approvals
11 granted under this chapter for a period of up to 3 years. If a person is convicted of
12 reckless or highly negligent conduct in the operation or handling of a firearm, airgun,
13 or bow and arrow in violation of s. 940.08, 940.24, or 941.20 and either death or bodily
14 harm to another results from that violation, the court shall revoke every approval
15 issued to that person under this chapter and shall provide a fixed period during
16 which no new approval may be issued to the person. If no death or bodily harm to
17 another results from the violation, the court may revoke any approval issued to that
18 person under this chapter and may provide a fixed period during which no new
19 approval may be issued to the person.

20 **SECTION 31.** 66.0409 (1) (a) of the statutes is amended to read:

21 66.0409 (1) (a) "Firearm" has the meaning given in s. 167.31 (1) (c) and includes
22 an airgun, as defined in s. 29.001 (7).

23 **SECTION 32.** 167.31 (1) (am) of the statutes is created to read:

24 167.31 (1) (am) "Airgun" has the meaning given in s. 29.001 (7).

25 **SECTION 33.** 167.31 (2) (c) of the statutes is amended to read:

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1 167.31 (2) (c) Except as provided in sub. (4), no person may load a firearm, other
2 than a handgun, in a vehicle or discharge a firearm or airgun or shoot a bolt or an
3 arrow from a bow or crossbow in or from a vehicle.

4 **SECTION 34.** 167.31 (2) (d) of the statutes is amended to read:

5 167.31 (2) (d) Except as provided in sub. (4) (a), (bg), (cg), (e), (fm), and (g), no
6 person may discharge a firearm or airgun or shoot a bolt or an arrow from a bow or
7 crossbow from or across a highway or within 50 feet of the center of a roadway.

8 **SECTION 35.** 167.31 (3) (b) of the statutes is amended to read:

9 167.31 (3) (b) Except as provided in sub. (4), no person may load or discharge
10 a firearm or airgun or shoot a bolt or an arrow from a bow or crossbow in or from an
11 aircraft.

12 **SECTION 36.** 167.31 (3m) (a) of the statutes is amended to read:

13 167.31 (3m) (a) Except as provided in sub. (4) (b) and (h), no person may
14 intentionally discharge a firearm or airgun in the direction of a transmission facility.

15 **SECTION 37.** 167.31 (4) (a) (intro.) of the statutes is amended to read:

16 167.31 (4) (a) (intro.) Subsections (2) and (3) do not apply to any of the following
17 who, in the line of duty, place, possess, transport, load or discharge a firearm or
18 airgun in, on or from a vehicle, motorboat or aircraft or discharge a firearm or airgun
19 from or across a highway or within 50 feet of the center of a roadway:

20 **SECTION 38.** 167.31 (4) (am) 1. of the statutes is amended to read:

21 167.31 (4) (am) 1. Subsections (2) (a), (c) and (d) and (3) (a) and (b) do not apply
22 to a peace officer who, in the line of duty, loads or discharges a firearm or airgun in,
23 on or from a vehicle, motorboat or aircraft or discharges a firearm or airgun from or
24 across a highway or within 50 feet of the center of a roadway.

25 **SECTION 39.** 167.31 (4) (at) of the statutes is amended to read:

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1 167.31 (4) (at) Subsections (2) (c) and (d) and (3) (b) do not apply to the
2 discharge of a firearm or airgun if the actor's conduct is justified or, had it been
3 subject to a criminal penalty, would have been subject to a defense described in s.
4 939.45.

5 **SECTION 40.** 167.31 (4) (cg) (intro.) of the statutes is amended to read:

6 167.31 (4) (cg) (intro.) A holder of a Class A or Class B permit under s. 29.193
7 (2) who is hunting from a stationary vehicle may load and discharge a firearm or
8 airgun or shoot a bolt or an arrow within 50 feet of the center of a roadway if all of
9 the following apply:

10 **SECTION 41.** 167.31 (4) (cg) 4. of the statutes is amended to read:

11 167.31 (4) (cg) 4. The holder of the permit has obtained permission from any
12 person who is the owner or lessee of private property across or on to which the holder
13 of the permit intends to discharge a firearm or airgun or shoot a bolt or an arrow.

14 **SECTION 42.** 167.31 (4) (cg) 6. of the statutes is amended to read:

15 167.31 (4) (cg) 6. The holder of the permit discharges the firearm or airgun or
16 shoots the bolt or arrow away from and not across or parallel to the roadway.

17 **SECTION 43.** 167.31 (4) (e) of the statutes is amended to read:

18 167.31 (4) (e) Subsection (2) (d) does not apply to a person who is legally
19 hunting small game with a muzzle-loading firearm or with a ~~shotgun~~ firearm or
20 airgun loaded with shotshell or chilled shot number BB or smaller, if the surface of
21 the highway or roadway is anything other than concrete or blacktop.

22 **SECTION 44.** 167.31 (4) (f) of the statutes is amended to read:

23 167.31 (4) (f) Subsection (2) (d) does not prohibit a person from possessing a
24 loaded firearm or airgun within 50 feet of the center of a roadway if the person does
25 not violate sub. (2) (b) or (c).

