



State of Wisconsin
1997 - 1998 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 1997 ASSEMBLY BILL 514**

February 4, 1998 – Offered by COMMITTEE ON NATURAL RESOURCES.

1 **AN ACT to repeal** 29.092 (9), 29.093 (9), 29.255, 29.425 (title), 29.425 (1), 29.425
2 (2), 29.425 (3), 29.425 (4m), 29.427, 29.535, 29.54 (1), 29.55, 29.565, 29.572,
3 29.573, 29.574, 29.575, 29.578, 29.579, 29.585, 29.586 and 29.605; **to**
4 **renumber** 23.51 (1) and 29.54 (2); **to renumber and amend** 29.41, 29.42 (2),
5 29.425 (4) and 29.425 (5); **to amend** 23.50 (1), 23.50 (3), 23.65 (1), 29.02 (2),
6 29.03 (8), 29.05 (8) (a), 29.05 (8) (b), 29.087 (1), 29.09 (1), 29.092 (15) (a), 29.092
7 (15) (f), 29.1025 (1) (c), 29.136 (4), 29.245 (5) (b) 3., 29.40 (2), 29.40 (6), 29.42 (1),
8 29.43 (5) (b), 29.44 (3), 29.45 (6), 29.46 (5), 29.49 (3), 29.54 (title), 29.583 (1),
9 29.59 (1) (f), 29.598 (1) (intro.), 29.645, 29.65 (1) (intro.), 895.57 (3), 943.75 (3),
10 951.015, 951.09, 951.16, 951.18 (4) (a) 2. and 951.18 (4) (b) 1.; and **to create**
11 23.51 (1d), 23.51 (9m), 29.02 (1m), 29.41 (2), 29.42 (2) (b), 29.42 (5), 29.853,
12 29.855, 29.857, 29.859, 29.861, 29.863, 29.865, 29.867, 29.869, 29.871, 29.99

1 (9g), 951.01 (1m) and 951.15 (5) of the statutes; **relating to:** the possession of
2 wild animals and granting rule-making authority.

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

3 **SECTION 1.** 23.50 (1) of the statutes, as affected by 1997 Wisconsin Act 35, is
4 amended to read:

5 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
6 court to recover forfeitures, penalty assessments, jail assessments, applicable
7 weapons assessments, applicable environmental assessments, applicable wild
8 animal protection assessments, applicable natural resources assessments,
9 applicable fishing shelter removal assessments, applicable snowmobile registration
10 restitution payments and applicable natural resources restitution payments for
11 violations of ss. 77.09, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57
12 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2), subch. VI of ch.
13 77, this chapter and chs. 26 to 31 and of ch. 350, and any administrative rules
14 promulgated thereunder, violations of ch. 951 if the animal involved is a captive wild
15 animal, violations of rules of the Kickapoo reserve management board under s. 41.41
16 (7) (k) or violations of local ordinances enacted by any local authority in accordance
17 with s. 23.33 (11) (am) or 30.77.

18 **SECTION 2.** 23.50 (3) of the statutes is amended to read:

19 23.50 (3) All actions in municipal court to recover forfeitures, penalty
20 assessments and jail assessments for violations of local ordinances enacted by any
21 local authority in accordance with s. 23.33 (11) (am) or 30.77 shall utilize the
22 procedure in ch. 800. The actions shall be brought before the municipal court having
23 jurisdiction. Provisions relating to citations, arrests, questioning, releases,

1 searches, deposits and stipulations of no contest in ss. 23.51 ~~(1)~~ (1m), (3) and (8),
2 23.53, 23.54, 23.56 to 23.64, 23.66 and 23.67 shall apply to violations of such
3 ordinances.

4 **SECTION 3.** 23.51 (1) of the statutes is renumbered 23.51 (1m).

5 **SECTION 4.** 23.51 (1d) of the statutes is created to read:

6 23.51 **(1d)** "Captive" has the meaning given in s. 29.853 (2).

7 **SECTION 5.** 23.51 (9m) of the statutes is created to read:

8 23.51 **(9m)** "Wild animal" has the meaning given in s. 29.853 (9).

9 **SECTION 6.** 23.65 (1) of the statutes, as affected by 1997 Wisconsin Act 35, is
10 amended to read:

11 23.65 **(1)** When it appears to the district attorney that a violation of s. 134.60,
12 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81
13 or 299.64 (2), this chapter or ch. 26, 27, 28, 29, 30, 31 or 350, or any administrative
14 rule promulgated pursuant thereto, or a violation of ch. 951, if the animal is a captive
15 wild animal, has been committed the district attorney may proceed by complaint and
16 summons.

17 **SECTION 7.** 29.02 (1m) of the statutes is created to read:

18 29.02 **(1m)** The department may provide that legal title to a live captive wild
19 animal or the carcass of a captive wild animal is vested in the person who possesses
20 the wild animal. The department may determine the conditions that must be met
21 by a person who has title to a captive wild animal, the authority of a person to
22 transfer title to a captive wild animal to another person and the authority of a person
23 to kill or have killed a captive wild animal.

24 **SECTION 8.** 29.02 (2) of the statutes is amended to read:

1 29.02 (2) The legal title to any such wild animal, or carcass or part thereof,
2 taken, possessed or reduced to possession in violation of this chapter, remains in the
3 state; and the title to any such wild animal, or carcass or part thereof, lawfully
4 acquired, is subject to the condition that upon the violation of this chapter relating
5 to the possession, use, giving, sale, barter or transportation of such wild animal, or
6 carcass or part thereof, by the holder of such title, the same shall revert, as a result
7 of the violation, to the state. In either case, any such wild animal, or carcass or part
8 thereof, may be seized forthwith, wherever found, by the department or its wardens.

9 **SECTION 9.** 29.03 (8) of the statutes is amended to read:

10 29.03 (8) Any dog found running deer, except farm-raised deer or deer subject
11 to regulation under ss. 29.853 to 29.871, at any time, or used in violation of this
12 chapter.

13 **SECTION 10.** 29.05 (8) (a) of the statutes is amended to read:

14 29.05 (8) (a) The department and its wardens shall seize and hold subject to
15 the order of the court for the county in which the alleged offense was committed, any
16 apparatus, appliance, equipment, vehicle or device, declared by this chapter to be a
17 public nuisance, which they have probable cause to believe is being used in violation
18 of this chapter, an administrative rule promulgated under this chapter or s. 167.31,
19 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, is being used in the commission
20 of a crime involving an animal normally found in the wild in violation of s. 951.09 or
21 is being used in the commission of a crime relating to a submerged cultural resource
22 in violation of s. 44.47. If it is proven that within 6 months previous to the seizure
23 the apparatus, appliance, equipment, vehicle or device was used in violation of this
24 chapter or an administrative rule promulgated under this chapter or s. 167.31,
25 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, was used in the commission of a

1 crime involving an animal normally found in the wild in violation of s. 951.09 or was
2 used in the commission of a crime relating to a submerged cultural resource in
3 violation of s. 44.47, it shall be confiscated if the court directs in its order for
4 judgment.

5 **SECTION 11.** 29.05 (8) (b) of the statutes is amended to read:

6 29.05 (8) (b) Any perishable property seized by the department or its wardens
7 may be sold at the highest available price, and the proceeds of the sale turned into
8 court to await disposition of the proceeds as the court directs. A conservation warden
9 or other officers charged with the enforcement of the laws dealing with the
10 conservation of the natural resources of the state may kill a dog found running,
11 injuring, causing injury to, or killing any deer, other than farm-raised deer or deer
12 subject to regulation under ss. 29.853 to 29.871, or destroying game birds, their eggs
13 or nests, if immediate action is necessary to protect the deer or game birds, their
14 nests or eggs, from injury or death.

15 **SECTION 12.** 29.087 (1) of the statutes, as affected by 1997 Wisconsin Act 27,
16 section 967n, is amended to read:

17 29.087 (1) Beginning on January 1, 1998, the department may not enter into
18 any agreement to make payments to persons holding approvals issued under s.
19 29.134, 29.135, 29.136, 29.137, 29.165, 29.166, 29.17, 29.33, 29.34, 29.343, 29.344,
20 29.36, 29.37, 29.38, 29.544, ~~29.547, 29.573, 29.574, 29.575, 29.578 or 29.585~~ 29.855,
21 29.857 or 29.859 in exchange for the retirement of the approval or for the temporary
22 or permanent cessation of any activity authorized under the approval.

23 **SECTION 13.** 29.09 (1) of the statutes is amended to read:

24 29.09 (1) LICENSE OR OTHER APPROVAL REQUIRED FOR HUNTING, TRAPPING OR
25 FISHING. Except as specifically provided otherwise by s. ss. 29.155 (1g) and (1h) and

1 29.853 to 29.871 or another section of this chapter, no person may hunt any wild
2 animal, trap any game or fish for fish in the waters of this state unless the
3 appropriate approval is issued to the person. A person shall carry the required
4 approval with him or her at all times while hunting, trapping or fishing unless
5 otherwise required by another section of this chapter or unless otherwise authorized
6 or required by the department. A person shall exhibit the approval to the
7 department or its wardens on demand.

8 **SECTION 14.** 29.092 (9) of the statutes is repealed.

9 **SECTION 15.** 29.092 (15) (a) of the statutes is amended to read:

10 29.092 (15) (a) *Issuing fee generally.* In addition to the fees specified for licenses
11 and stamps under subs. (2) to ~~(9)~~ (8m), (11) and (13) and any surcharge fee imposed
12 under sub. (14), a person who applies for a license or stamp or for a duplicate license
13 or stamp issued under this chapter shall pay an issuing fee.

14 **SECTION 16.** 29.092 (15) (f) of the statutes is amended to read:

15 29.092 (15) (f) *Addition of issuing fee to be shown with license or stamp fee as*
16 *one amount.* The issuing fee shall be added to the fee provided in subs. (2) to ~~(9)~~ (8m),
17 (11) and (13) and any surcharge fee imposed under sub. (14). Any amount shown on
18 the printed license form or stamp shall be the total of the issuing fee and other fees.

19 **SECTION 17.** 29.093 (9) of the statutes is repealed.

20 **SECTION 18.** 29.1025 (1) (c) of the statutes is amended to read:

21 29.1025 (1) (c) Any person hunting pheasant under s. 29.123 ~~or on premises~~
22 ~~licensed under s. 29.573~~ is exempt from the requirements under par. (a).

23 **SECTION 19.** 29.136 (4) of the statutes is amended to read:

24 29.136 (4) **AUTHORIZATION.** Subject to this section and rules promulgated under
25 this section, a taxidermist permit authorizes the permit holder to possess and

1 transport ~~wild animals or carcasses~~ of wild animals in connection with his or her
2 business. This authority supersedes restrictions on the possession and
3 transportation of ~~wild animals and carcasses regardless of bag limits, rest days,~~
4 ~~closed seasons and similar restrictions, notwithstanding s. 29.174 and rules~~
5 ~~promulgated by the department under that section~~ carcasses of wild animals under
6 this chapter and under any rules promulgated under this chapter. Subject to this
7 section and rules promulgated under this section, a taxidermist permit entitles the
8 permit holder to the same privileges as a Class A fur dealer's license.

9 **SECTION 20.** 29.245 (5) (b) 3. of the statutes is amended to read:

10 29.245 (5) (b) 3. To a person who possesses a flashlight or who uses a flashlight
11 while if the person is on foot and training a dog to track or hunt raccoons, foxes or
12 other unprotected wild animals and if the raccoons, foxes or other wild animals are
13 not subject to regulation under ss. 29.853 to 29.871.

14 **SECTION 21.** 29.255 of the statutes is repealed.

15 **SECTION 22.** 29.40 (2) of the statutes is amended to read:

16 29.40 (2) DEER TAGS. Except as provided under sub. (5) and s. 29.405 (3), any
17 person who kills a deer shall immediately attach to the ear or antler of the deer a
18 current validated deer carcass tag which is authorized for use on the type of deer
19 killed. Except as provided under sub. (2m) ~~or s. 29.578 (7), (8) or (14)~~, no person may
20 possess, control, store or transport a deer carcass unless it is tagged as required
21 under this subsection.

22 **SECTION 23.** 29.40 (6) of the statutes is amended to read:

23 29.40 (6) (title) ~~FARM-RAISED-DEER~~ DEER. This section does not apply to
24 farm-raised deer or deer that are subject to regulation under ss. 29.853 to 29.871.

1 **SECTION 24.** 29.41 of the statutes is renumbered 29.41 (1), and 29.41 (1) (c), as
2 renumbered, is amended to read:

3 29.41 (1) (c) Possess the raw skin of any muskrat, mink, otter, fisher or pine
4 marten at any time unless the person is the holder of a scientific collector permit, fur
5 dealer license, trapping license or resident conservation patron license of current
6 issue. No license is required for a person breeding, raising and producing domestic
7 fur-bearing animals in captivity as defined in s. 29.579 or for a person authorized
8 to take muskrats on a cranberry marsh under a permit issued to the person by the
9 department.

10 **SECTION 25.** 29.41 (2) of the statutes is created to read:

11 29.41 (2) Subsection (1) does not apply to the skins of fur-bearing animals that
12 are subject to regulation under ss. 29.853 to 29.871.

13 **SECTION 26.** 29.42 (1) of the statutes is amended to read:

14 29.42 (1) APPROVAL NECESSARY. No person, except a person who is issued a valid
15 hunting license, sports license, a conservation patron license, taxidermist permit or
16 scientific collector permit and who is carrying this approval on his or her person, may
17 possess or have under his or her control any game bird, or game animal or the carcass
18 of any game bird or game animal.

19 **SECTION 27.** 29.42 (2) of the statutes is renumbered 29.42 (2) (a) and amended
20 to read:

21 29.42 (2) (a) ~~No Except as provided in par. (b), no person, except a person who~~
22 ~~is issued a valid scientific collector permit,~~ may take, needlessly destroy or possess
23 or have under his or her control the nest or eggs of any wild bird for which a closed
24 season is prescribed under this chapter.

25 **SECTION 28.** 29.42 (2) (b) of the statutes is created to read:

1 29.42 (2) (b) A person who has a valid scientific collector permit may take or
2 possess or have under his or her control the nest of a wild bird and may destroy the
3 nest if necessary for a scientific purpose.

4 **SECTION 29.** 29.42 (5) of the statutes is created to read:

5 29.42 (5) CAPTIVE WILD ANIMALS. This section does not apply to wild animals
6 that are subject to regulation under ss. 29.853 to 29.871.

7 **SECTION 30.** 29.425 (title) of the statutes is repealed.

8 **SECTION 31.** 29.425 (1) of the statutes is repealed.

9 **SECTION 32.** 29.425 (2) of the statutes is repealed.

10 **SECTION 33.** 29.425 (3) of the statutes is repealed.

11 **SECTION 34.** 29.425 (4) of the statutes is renumbered 29.42 (1m) and amended
12 to read:

13 29.42 (1m) HUNTING AND TRAPPING. A person who hunts or traps any game
14 animal, game bird or fur-bearing animal shall kill ~~the animal~~ it when it is taken and
15 make it part of the daily bag or shall release ~~the animal~~ it unless authorized the
16 person has the authority to possess under s. ~~29.55, 29.572, 29.574, 29.575, 29.578 or~~
17 ~~29.585~~ ss. 29.853 to 29.871.

18 **SECTION 35.** 29.425 (4m) of the statutes is repealed.

19 **SECTION 36.** 29.425 (5) of the statutes is renumbered 29.42 (5) and amended
20 to read:

21 29.42 (5) PENALTY. A person who violates ~~this section~~ sub. (1m) shall forfeit not
22 less than \$100 nor more than \$1,000.

23 **SECTION 37.** 29.427 of the statutes is repealed.

24 **SECTION 38.** 29.43 (5) (b) of the statutes, as affected by 1997 Wisconsin Act 27,
25 is amended to read:

1 29.43 (5) (b) Subsections (1) to (4) do not apply to the possession,
2 transportation, delivery or receipt of farm-raised deer ~~or~~, farm-raised fish or wild
3 animals that are subject to regulation under ss. 29.853 to 29.871.

4 **SECTION 39.** 29.44 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is
5 amended to read:

6 29.44 (3) Subsection (1) does not apply to the possession, transportation,
7 delivery or receipt of farm-raised deer ~~or~~, farm-raised fish or wild animals that are
8 subject to regulation under ss. 29.853 to 29.871.

9 **SECTION 40.** 29.45 (6) of the statutes is amended to read:

10 29.45 (6) This section does not apply to the transportation of farm-raised deer
11 ~~or~~, farm-raised fish or wild animals that are subject to regulation under ss. 29.853
12 to 29.871.

13 **SECTION 41.** 29.46 (5) of the statutes is amended to read:

14 29.46 (5) EXEMPTION; TAXIDERMISTS. Subsections (1) to (3) do not apply to a
15 person who is issued a valid taxidermist permit and who is transporting, in
16 connection with his or her business, the carcass of a game bird ~~in connection with his~~
17 ~~or her business~~ or the carcass of a wild bird that is subject to regulation under ss.
18 29.853 to 29.871.

19 **SECTION 42.** 29.49 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is
20 amended to read:

21 29.49 (3) EXEMPTION. This section does not apply to the meat from farm-raised
22 deer or from farm-raised fish or to meat that is subject to regulation under ss. 29.853
23 to 29.871.

24 **SECTION 43.** 29.535 of the statutes, as affected by 1997 Wisconsin Act 27, is
25 repealed.

1 **SECTION 44.** 29.54 (title) of the statutes is amended to read:

2 **29.54** (title) **State propagation of wild mammals and Food in the wild**
3 **for game birds.**

4 **SECTION 45.** 29.54 (1) of the statutes is repealed.

5 **SECTION 46.** 29.54 (2) of the statutes is renumbered 29.54.

6 **SECTION 47.** 29.55 of the statutes, as affected by 1997 Wisconsin Act 27, is
7 repealed.

8 **SECTION 48.** 29.565 of the statutes is repealed.

9 **SECTION 49.** 29.572 of the statutes, as affected by 1997 Wisconsin Act 27, is
10 repealed.

11 **SECTION 50.** 29.573 of the statutes is repealed.

12 **SECTION 51.** 29.574 of the statutes is repealed.

13 **SECTION 52.** 29.575 of the statutes is repealed.

14 **SECTION 53.** 29.578 of the statutes, as affected by 1997 Wisconsin Act 35, is
15 repealed.

16 **SECTION 54.** 29.579 of the statutes is repealed.

17 **SECTION 55.** 29.583 (1) of the statutes is amended to read:

18 29.583 (1) The department may seize and dispose of or may authorize the
19 disposal of any deer that has escaped from land licensed under s. ~~29.574 or 29.578~~
20 29.857 or owned by a person registered under s. 95.55 if the escaped deer has traveled
21 more than 3 miles from the land or if the licensee or person has not had the deer
22 returned to the land within 72 hours of the discovery of the escape.

23 **SECTION 56.** 29.585 of the statutes, as affected by 1997 Wisconsin Act 27, is
24 repealed.

25 **SECTION 57.** 29.586 of the statutes is repealed.

1 **SECTION 58.** 29.59 (1) (f) of the statutes, as affected by 1997 Wisconsin Act 27,
2 is amended to read:

3 29.59 (1) (f) Notwithstanding s. 29.01 (14), “wild animal” means any
4 undomesticated mammal or bird, but does not include farm-raised deer ~~or,~~
5 farm-raised fish or wild animals that are subject to regulation under ss. 29.853 to
6 29.871.

7 **SECTION 59.** 29.598 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
8 Act 27, is amended to read:

9 29.598 (1) DEFINITION. (intro.) In this section, “wildlife damage” means damage
10 caused by any of the following wild animals that are not subject to regulation under
11 ss. 29.853 to 29.871:

12 **SECTION 60.** 29.605 of the statutes is repealed.

13 **SECTION 61.** 29.645 of the statutes, as affected by 1997 Wisconsin Act 27, is
14 amended to read:

15 **29.645 Larceny of game.** A person who, without permission of the owner,
16 molests, disturbs or appropriates any wild animal or its carcass that has been
17 lawfully reduced to possession by another shall forfeit not less than \$1,000 nor more
18 than \$2,000. This section does not apply to farm-raised deer ~~or,~~ to farm-raised fish
19 or to wild animals that are subject to regulation under ss. 29.853 to 29.871.

20 **SECTION 62.** 29.65 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act
21 27, is amended to read:

22 29.65 (1) (intro.) The department may bring a civil action in the name of the
23 state for the recovery of damages against any person killing, wounding, catching,
24 taking, trapping or possessing in violation of this chapter or of any rule promulgated
25 under this chapter any of the following named protected wild animals, birds, or fish,

1 or any part of an animal, bird or fish, and the sum assessed for damages for each wild
2 animal, bird, or fish shall be not less than the amount stated in this section:

3 **SECTION 63.** 29.853 of the statutes is created to read:

4 **29.853 Captive wild animals; definitions.** In this section and ss. 29.855 to
5 29.871:

6 (1) "Animal" means any mammal or any bird, reptile, amphibian, mollusk or
7 arthropod or egg thereof.

8 (2) "Captive" means any of the following:

9 (a) Restrained by a cage, pen, fence or other enclosure.

10 (b) Restrained by physical alterations that limit movement or facilitate
11 capture.

12 (c) Restrained by a leash or a tether or otherwise tied.

13 (d) Held in a controlled environment that is designed to prevent the departure
14 from the controlled environment.

15 (3) "Domesticated animal" means farm-raised deer or an animal that is listed
16 as a domesticated animal by rule by the department.

17 (4) "Exhibit" means to display for the purpose of public viewing, regardless of
18 whether a fee is charged.

19 (5) "Possess" means to own, control, restrain, transport or keep.

20 (6) "Purchase" means to acquire through a sale or through an exchange for
21 consideration.

22 (7) "Sell" means to transfer or exchange for consideration.

23 (8) "Take" means to capture, but does not include killing.

24 (9) Notwithstanding s. 29.01 (14), "wild animal" means any animal of a wild
25 nature that is normally found in the wild and that is not a domesticated animal.

1 **SECTION 64.** 29.855 of the statutes is created to read:

2 **29.855 Regulation of captive wild animals. (1) SCOPE AND APPLICABILITY.**

3 The department shall promulgate rules establishing the scope and applicability of
4 regulations regarding captive wild animals. The rules shall include all of the
5 following:

6 (a) Determination of the wild animals subject to regulation.

7 (b) Applicability of the rules to individuals, classes of individuals,
8 organizations, local governmental units and state agencies.

9 (c) Provisions for variances and exceptions from regulation.

10 (d) Provisions for cooperative regulation with the department of agriculture,
11 trade and consumer protection.

12 (e) Requirements for meeting standards established by federal law.

13 **(2) POSSESSION OF CAPTIVE WILD ANIMALS.** The department shall promulgate
14 rules applicable to possessing captive wild animals. The rules shall include all of the
15 following:

16 (a) Prohibition against possessing wild animals without a license or without
17 specific authority granted by rules promulgated under this section.

18 (b) Provisions regarding how wild animals may be obtained.

19 (c) Requirements for segregating wild animals and domesticated animals.

20 (d) Authority for temporarily possessing wild animals.

21 (e) Restrictions applicable to diseased wild animals and wild animals exposed
22 to disease, including quarantine requirements, health certifications prior to
23 movement or release and other restrictions on movement.

24 (f) Standards for the humane care and housing of wild animals.

1 (g) Tagging and marking requirements for wild animals and the carcasses of
2 wild animals.

3 (h) Conditions for possessing wild animals under the authority of another
4 state, province or country.

5 (i) Authority and standards for and limitations on the propagation,
6 introduction, stocking and release of wild animals.

7 **SECTION 65.** 29.857 of the statutes is created to read:

8 **29.857 Licenses for captive wild animals.** The department shall
9 promulgate rules establishing requirements for the licensing of persons who possess
10 wild animals. The rules shall include all of the following:

11 (1) A system of licenses based on the type of wild animal being possessed and
12 the authorized purpose for possessing the wild animal.

13 (2) Qualifications of the individual or organization required in order to possess
14 the wild animal.

15 (3) Actions authorized by a license and limitations on a license.

16 (4) Provisions for variances and exemptions from licenses and for temporary
17 licenses.

18 (5) For individuals, specific requirements based on their age and whether they
19 are residents.

20 (6) Requirements for record keeping and reports.

21 (7) Duration of licenses.

22 (8) Fees.

23 **SECTION 66.** 29.859 of the statutes is created to read:

24 **29.859 Selling and purchasing wild animals.** The department shall
25 promulgate rules establishing requirements applicable to selling and purchasing

1 wild animals and the carcasses of wild animals. The rules shall include all of the
2 following:

3 (1) Specification of the persons or license holders who are authorized to sell or
4 purchase wild animals.

5 (2) Regulations that are applicable to auctions and markets.

6 (3) Tagging and labeling requirements.

7 (4) Inspection requirements.

8 **SECTION 67.** 29.861 of the statutes is created to read:

9 **29.861 Hunting of captive wild animals.** (1) PROHIBITION; GENERALLY. No
10 person may hunt a captive wild animal except as authorized by rule by the
11 department.

12 (2) PROHIBITION; COMMERCIAL HUNTING. No person may sell or offer to sell or
13 purchase or offer to purchase the opportunity to hunt any wild animal that is or has
14 been captive except as authorized by rule by the department.

15 **SECTION 68.** 29.863 of the statutes is created to read:

16 **29.863 Endangered and threatened species.** No person may take from the
17 wild, introduce, stock, release into the wild, exhibit, propagate, rehabilitate, hunt,
18 trap, kill, sell, purchase, transfer or engage in any other activity related to a live wild
19 animal that is a threatened or endangered species unless the person is in compliance
20 with s. 29.415.

21 **SECTION 69.** 29.865 of the statutes is created to read:

22 **29.865 Damages for taking wild animals.** A person who hunts, traps, kills
23 or takes from the wild a wild animal subject to this chapter on land subject to a license
24 issued under s. 29.857 without the permission of the license holder or of the holder's
25 employe or agent is liable to the license holder for any damage that the person causes

1 to any wild animal that is subject to the license or to any property or land that is
2 subject to the license.

3 **SECTION 70.** 29.867 of the statutes is created to read:

4 **29.867 Local ordinances.** A city, village, town or county may enact and
5 enforce an ordinance relating to possessing or selling live wild animals.

6 **SECTION 71.** 29.869 of the statutes is created to read:

7 **29.869 Seizure of captive wild animals.** The department may determine
8 by rule the conditions under which the department will seize captive wild animals,
9 including any wild animal involved in a violation of ss. 29.853 to 29.871 or any rule
10 promulgated under ss. 29.853 to 29.871, a dead or diseased wild animal, an escaped
11 wild animal or a wild animal held in an inhumane manner.

12 **SECTION 72.** 29.871 of the statutes is created to read:

13 **29.871 Inspections. (1) DEPARTMENTAL AUTHORITY.** For purposes of enforcing
14 ss. 29.853 to 29.869 and the rules promulgated under ss. 29.853 to 29.869 with
15 respect to a person who is required to have a license or maintain records under s.
16 29.855, 29.857 or 29.859, a conservation warden or representative of the department,
17 upon presenting his or her credentials to that person, may do any of the following:

18 (a) Enter and inspect any land, vehicle, building or other structure where live
19 wild animals are possessed or where carcasses of wild animals are possessed.

20 (b) Inspect any equipment, materials or other activities related to the wild
21 animals.

22 (c) Gain access to and inspect any records required to be kept under s. 29.855,
23 29.857 or 29.859.

24 (d) Investigate and inspect any wild animal or any other animal to be
25 introduced, stocked or released into the wild. Inspection under sub. (1) (d) may

1 include the removal of reasonable diagnostic samples from wild animals for
2 biological examination.

3 **(2) TIMES FOR INSPECTIONS.** An inspection authorized under sub. (1) or (4) may
4 be conducted during any of the following times:

5 (a) Normal business hours.

6 (b) During the time that the person who possesses wild animals or carcasses
7 of wild animals is conducting business.

8 (c) At any time, if the inspection is necessary for public health, safety or welfare.

9 **(3) PROHIBITING INSPECTIONS.** No person required to have a license issued under
10 s. 29.855, 29.857 or 29.859 or an operator of a vehicle for such a person, or employe
11 or person acting on behalf of such a person, may prohibit entry as authorized under
12 this section unless a court restrains or enjoins the entry or inspection.

13 **(4) INSPECTIONS OF INTRODUCED OR STOCKED ANIMALS.** Only persons determined
14 by the department to be experienced in wildlife disease may remove diagnostic
15 samples and diagnose diseases under sub. (1) (d).

16 **(5) TAXIDERMISTS.** For an inspection of a taxidermist's place of business, this
17 section does not apply and the department shall conduct the inspection as authorized
18 under s. 29.136 (7).

19 **SECTION 73.** 29.99 (9g) of the statutes is created to read:

20 29.99 **(9g)** For the violation of any quarantine requirement promulgated under
21 s. 29.855 (2) (e) or any quarantine order issued by the department, by a forfeiture of
22 not more than \$1,000.

23 **SECTION 74.** 895.57 (3) of the statutes, as affected by 1997 Wisconsin Act 27,
24 is amended to read:

1 895.57 (3) Subsection (2) does not apply to any humane officer, local health
2 officer, peace officer, employe of the department of natural resources while on any
3 land licensed under s. ~~29.573, 29.574, 29.575 or 29.578~~ 29.857 or designated as a
4 wildlife refuge under s. 29.57 (1) or employe of the department of agriculture, trade
5 and consumer protection if the officer's or employe's acts are in good faith and in an
6 apparently authorized and reasonable fulfillment of his or her duties.

7 **SECTION 75.** 943.75 (3) of the statutes, as affected by 1997 Wisconsin Act 27,
8 is amended to read:

9 943.75 (3) Subsection (2) does not apply to any humane officer, local health
10 officer, peace officer, employe of the department of natural resources while on any
11 land licensed under s. ~~29.573, 29.574, 29.575 or 29.578~~ 29.857 or designated as a
12 wildlife refuge under s. 29.57 (1) or employe of the department of agriculture, trade
13 and consumer protection if the officer's or employe's acts are in good faith and in an
14 apparently authorized and reasonable fulfillment of his or her duties. This
15 subsection does not limit any other person from claiming the defense of privilege
16 under s. 939.45 (3).

17 **SECTION 76.** 951.01 (1m) of the statutes is created to read:

18 951.01 (1m) "Conservation warden" means a warden appointed under s. 23.10.

19 **SECTION 77.** 951.015 of the statutes is amended to read:

20 **951.015 Construction and application.** This chapter shall not be
21 interpreted as controverting any law regulating wild animals subject to regulation
22 under ss. 29.853 to 29.871, the taking of game as defined in s. 29.01 (4) to (7) and (10),
23 the trapping of wild animals, the use of live animals in dog trials or in the training
24 of hunting dogs under ch. 29, or the slaughter of animals by persons acting under
25 state or federal law.

1 **SECTION 78.** 951.09 of the statutes is amended to read:

2 **951.09** (title) **Shooting at caged or staked domesticated animals.** No
3 person may instigate, promote, aid or abet as a principal, agent, employe, participant
4 or spectator, or participate in the earnings from, or intentionally maintain or allow
5 any place to be used for the shooting, killing or wounding with a firearm or any deadly
6 weapon, any domesticated animal, as defined in s. 29.853 (3), that is tied, staked out,
7 caged or otherwise intentionally confined in a man-made enclosure, regardless of
8 size. ~~Nothing in this section prohibits the shooting of any wild game in its wild state~~
9 ~~or the shooting of game birds and waterfowl at licensed game farms or licensed~~
10 ~~shooting preserves.~~

11 **SECTION 79.** 951.15 (5) of the statutes is created to read:

12 **951.15 (5)** For purposes of enforcing this chapter as to wild animals subject to
13 regulation under ss. 29.853 to 29.871, a conservation warden has the same powers
14 and duties that a law enforcement officer has under this section.

15 **SECTION 80.** 951.16 of the statutes is amended to read:

16 **951.16 Investigation of cruelty complaints.** A person may apply for a
17 search warrant under s. 968.12 if there is reason to believe that a violation of this
18 chapter has taken place or is taking place. If the court is satisfied that probable cause
19 exists, it shall issue a search warrant directing a law enforcement officer in the
20 county to proceed immediately to the location of the alleged violation with a doctor
21 of veterinary medicine, if the court determines that a veterinarian is necessary for
22 purposes of the search, and directing the law enforcement officer to search the place
23 designated in the warrant, retaining in his or her custody subject to the order of the
24 court such property or things as are specified in the warrant, including any animal.
25 For purposes of enforcing this chapter as to a wild animal that is subject to regulation

1 under ss. 29.853 to 29.871, the warrant may direct a conservation warden to act as
2 provided in this section. The warrant shall be executed and returned to the court
3 which issued the warrant in accordance with ss. 968.15 and 968.17. This section
4 shall not affect other powers and duties of law enforcement officers or conservation
5 wardens.

6 **SECTION 81.** 951.18 (4) (a) 2. of the statutes is amended to read:

7 951.18 (4) (a) 2. A sentencing court shall require a criminal violator to pay
8 restitution to a person, including any local humane society or county or municipal
9 pound or a law enforcement officer or conservation warden, for any pecuniary loss
10 suffered by the person as a result of the crime, including expenses in keeping any
11 animal that is involved in the crime. This requirement applies regardless of whether
12 the criminal violator is placed on probation under s. 973.09. If restitution is ordered,
13 the court shall consider the financial resources and future ability of the criminal
14 violator to pay and shall determine the method of payment. Upon the application of
15 any interested party, the court shall schedule and hold an evidentiary hearing to
16 determine the value of any pecuniary loss under this paragraph.

17 **SECTION 82.** 951.18 (4) (b) 1. of the statutes is amended to read:

18 951.18 (4) (b) 1. A sentencing court may order that an animal be delivered to
19 the local humane society or the county or municipal pound or to a law enforcement
20 officer if a person commits a crime under this chapter, the person is the owner of the
21 animal that is involved in the crime and the court considers the order to be
22 reasonable and appropriate. A sentencing court may order that an animal be
23 delivered to the department of natural resources, if the animal is a wild animal
24 subject to regulation under ss. 29.853 to 29.871 and the court considers the order to
25 be reasonable and appropriate. The society, pound or officer shall release the animal

1 to a person other than the owner or dispose of the animal in a proper and humane
2 manner. If the animal is a dog, the release or disposal shall be in accordance with
3 s. 174.046 (8) or (9), except s. 174.046 (8) (a) does not apply and the fees under s.
4 174.046 (8) (d) do not apply if the expenses are covered under s. 951.17. If the animal
5 is not a dog, the society, pound or officer may charge a fee for the release of the animal.

6 **SECTION 83. Nonstatutory provisions.**

7 (1) APPROVALS CONTINUED IN EFFECT. A license or permit issued under section
8 29.255, 29.535, 29.55, 29.573, 29.574, 29.575, 29.578 or 29.585, 1995 stats., shall
9 continue in effect under those statutes, rules promulgated under those statutes and
10 the terms of the license or permit until December 31, 1999, or until the department
11 of natural resources requires a new license under section 29.857 of the statutes, as
12 created by this act, whichever is earlier. Sections 29.087 (1), 895.57 (3) and 943.75
13 (3) of the statutes apply to lands licensed under sections 29.573, 29.574, 29.575 and
14 29.578, 1995 stats., until December 31, 1999, or until the department of natural
15 resources requires a new license under section 29.857 of the statutes, as created by
16 this act, whichever is earlier.

17 **SECTION 84. Effective date.**

18 (1) This act takes effect on January 1, 1999.

19 (END)