



State of Wisconsin
2003 - 2004 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 109**

April 2, 2003 - Offered by COMMITTEE ON NATURAL RESOURCES.

1 **AN ACT** *to repeal* 29.304 (1) (b), 29.304 (2) (a) (title), 29.304 (2) (b) (title), 29.304
2 (3) (a) (title), 29.304 (3) (b) (title) and 29.934 (3); *to renumber* 29.304 (2) (b) 2.,
3 29.304 (3) (a) (intro.), 29.304 (3) (b) (intro.) and 29.304 (3) (b) 2.; *to renumber*
4 **and amend** 29.304 (2) (a), 29.304 (2) (b) (intro.), 29.304 (2) (b) 1., 29.304 (3) (a)
5 1., 29.304 (3) (a) 2., 29.304 (3) (b) 1. and 29.304 (3) (b) 3.; *to amend* 20.370 (1)
6 (Lq), 29.171 (4) (b) 5., 29.304 (1) (title), 29.304 (3) (title), 29.304 (5), 29.541 (1)
7 (a) (intro.), 29.563 (11) (b) 1., 29.563 (12) (c) 2., 29.591 (4) (ar), 29.593 (2), 29.593
8 (2m), 29.595 (3) (c), 29.931 (1), 29.931 (2) (a), 29.934 (1) (a), 29.934 (2), 120.13
9 (1) (bm), 120.13 (1) (c) 2m. and 968.20 (3); and *to create* 29.171 (4) (b) 6., 29.171
10 (4) (b) 7., 29.194 (4), 29.304 (3r) (title), 29.597 (7) and 29.938 of the statutes;
11 **relating to:** the use by the Department of Natural Resources of seized,
12 confiscated, or unclaimed property for educational hunting, fishing, trapping,
13 and other conservation activities; sale and other use of confiscated wild animals

1 and their carcasses; wild animals, carcasses, and property seized or confiscated
2 by the Department of Natural Resources; hunting of antlerless deer by holders
3 of certificates of accomplishment issued under the hunter education program
4 and the bow hunter education program; certificates of hunter safety issued by
5 provinces and other states and countries; possession of firearms and hunting
6 with firearms by persons under 16 years of age; issuance of resident small game
7 hunting licenses to certain nonresidents under 16 years of age; possession of
8 firearms in schools; use of certain types of arrow tips on crossbows; proceeds
9 received by the Department of Natural Resources for skins of fur-bearing
10 animals that are prepared as part of the course of instruction under the trapper
11 education program; granting rule-making authority; and making an
12 appropriation.

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

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

14 20.370 (1) (Lq) *Trapper education program.* As a continuing appropriation, all
15 moneys remitted to the department under s. 29.597 (3), an amount equal to the
16 amount calculated under s. 29.331 (3m), all moneys received from the sale of skins
17 processed as part of the trapper education program under s. 29.597, and all moneys
18 received from fees collected under s. 29.563 (12) (c) 3. for the trapper education
19 program under s. 29.597.

20 **SECTION 2.** 29.171 (4) (b) 5. of the statutes is amended to read:

21 29.171 (4) (b) 5. Shall be used with bolts or arrows of not less than 14 inches
22 in length with a broadhead.

23 **SECTION 3.** 29.171 (4) (b) 6. of the statutes is created to read:

1 29.171 (4) (b) 6. Shall be used with bolts or arrows that have broadhead tips
2 when hunting bear or deer.

3 **SECTION 4.** 29.171 (4) (b) 7. of the statutes is created to read:

4 29.171 (4) (b) 7. Shall be used with bolts or arrows that have broadhead tips
5 or blunt tips when hunting game other than bear or deer.

6 **SECTION 5.** 29.194 (4) of the statutes is created to read:

7 29.194 (4) RESIDENT SMALL GAME HUNTING LICENSES FOR NONRESIDENT MINORS. (a)
8 In this subsection:

9 1. "Hunting license" means a license or permit that authorizes the hunting of
10 small game with a firearm.

11 2. "Minor" means a person who is at least 12 years of age but less than 16 years
12 of age.

13 (b) A resident small game hunting license shall be issued by the department
14 to a person who resides in another state and who applies for the license if all of
15 following apply:

16 1. The applicant is a minor.

17 2. The state in which the applicant resides issues hunting licenses to minors
18 who are residents of this state and collects a fee for those hunting licenses that is the
19 same as the fee collected from minors residing in that state for those hunting
20 licenses.

21 **SECTION 6.** 29.304 (1) (title) of the statutes is amended to read:

22 29.304 (1) (title) ~~PERSONS~~ HUNTING BY PERSONS UNDER 12 YEARS OF AGE.

23 **SECTION 7.** 29.304 (1) (b) of the statutes is repealed.

24 **SECTION 8.** 29.304 (2) (a) (title) of the statutes is repealed.

1 **SECTION 9.** 29.304 (2) (a) of the statutes is renumbered 29.304 (2) and amended
2 to read:

3 **29.304 (2)** ~~PERSONS 12 TO 14~~ HUNTING BY PERSONS 12 AND 13 YEARS OF AGE. No
4 person 12 years of age or older but under 14 years of age may hunt unless he or she
5 is accompanied by ~~a~~ his or her parent or guardian or by a person at least 18 years
6 of age who is designated by the parent or guardian.

7 **SECTION 10.** 29.304 (2) (b) (title) of the statutes is repealed.

8 **SECTION 11.** 29.304 (2) (b) (intro.) of the statutes is renumbered 29.304 (3m)
9 (intro.) and amended to read:

10 **29.304 (3m)** POSSESSION BY PERSONS UNDER 14 YEARS OF AGE. (intro.) No person
11 ~~12 years of age or older but~~ under 14 years of age may have in his or her possession
12 or control any firearm unless he or she:

13 **SECTION 12.** 29.304 (2) (b) 1. of the statutes is renumbered 29.304 (3m) (a) and
14 amended to read:

15 **29.304 (3m)** (a) Is accompanied by ~~a~~ his or her parent or guardian or by a
16 person at least 18 years of age who is designated by the parent or guardian; or

17 **SECTION 13.** 29.304 (2) (b) 2. of the statutes is renumbered 29.304 (3m) (b).

18 **SECTION 14.** 29.304 (3) (title) of the statutes is amended to read:

19 **29.304 (3)** (title) ~~PERSONS 14 TO 16~~ HUNTING BY PERSONS 14 AND 15 YEARS OF AGE.

20 **SECTION 15.** 29.304 (3) (a) (title) of the statutes is repealed.

21 **SECTION 16.** 29.304 (3) (a) (intro.) of the statutes is renumbered 29.304 (3)
22 (intro.).

23 **SECTION 17.** 29.304 (3) (a) 1. of the statutes is renumbered 29.304 (3) (a) and
24 amended to read:

1 29.304 (3) (a) Is accompanied by ~~a~~ his or her parent or guardian or by a person
2 at least 18 years of age who is designated by the parent or guardian; or

3 **SECTION 18.** 29.304 (3) (a) 2. of the statutes is renumbered 29.304 (3) (b)
4 amended to read:

5 29.304 (3) (b) Is issued a certificate of accomplishment that states that he or
6 she successfully completed the course of instruction under the hunter education
7 program or has a similar certificate issued by another state ~~or~~, province, or country
8 that has a hunter safety course that is recognized by the department.

9 **SECTION 19.** 29.304 (3) (b) (title) of the statutes is repealed.

10 **SECTION 20.** 29.304 (3) (b) (intro.) of the statutes is renumbered 29.304 (3r)
11 (intro.).

12 **SECTION 21.** 29.304 (3) (b) 1. of the statutes is renumbered 29.304 (3r) (a) and
13 amended to read:

14 29.304 (3r) (a) Is accompanied by ~~a~~ his or her parent or guardian or by a person
15 at least 18 years of age who is designated by the parent or guardian.

16 **SECTION 22.** 29.304 (3) (b) 2. of the statutes is renumbered 29.304 (3r) (b).

17 **SECTION 23.** 29.304 (3) (b) 3. of the statutes is renumbered 29.304 (3r) (c) and
18 amended to read:

19 29.304 (3r) (c) Is issued a certificate of accomplishment that states that he or
20 she completed the course of instruction under the hunter education program or has
21 a similar certificate issued by another state ~~or~~, province, or country that has a hunter
22 safety course that is recognized by the department.

23 **SECTION 24.** 29.304 (3r) (title) of the statutes is created to read:

24 29.304 (3r) (title) POSSESSION BY PERSONS 14 TO 16 YEARS OF AGE.

25 **SECTION 25.** 29.304 (5) of the statutes is amended to read:

1 29.304 (5) EXCEPTION. Notwithstanding subs. (1) to (3) (2) to (3r), a person 12
2 years of age or older may possess or control a firearm and may hunt with a firearm
3 or bow and arrow on land under the ownership of the person or the person's family
4 if no license is required and if the firing of firearms is permitted on that land.

5 **SECTION 26.** 29.541 (1) (a) (intro.) of the statutes is amended to read:

6 29.541 (1) (a) (intro.) ~~No~~ Except as authorized by the department, no innkeeper,
7 manager or steward of any restaurant, club, hotel, boarding house, tavern, logging
8 camp or mining camp may sell, barter, serve or give, or cause to be sold, bartered,
9 served or given, to its guests or boarders any of the following:

10 **SECTION 27.** 29.563 (11) (b) 1. of the statutes is amended to read:

11 29.563 (11) (b) 1. Hunter education ~~and firearm safety~~ instruction fee: the fee
12 as established by rule.

13 **SECTION 28.** 29.563 (12) (c) 2. of the statutes is amended to read:

14 29.563 (12) (c) 2. Hunter education ~~and firearm safety~~ course certificate of
15 accomplishment: \$2.

16 **SECTION 29.** 29.591 (4) (ar) of the statutes is amended to read:

17 29.591 (4) (ar) *Period for hunting antlerless deer.* A certificate of
18 accomplishment issued under this section that the department has authorized to be
19 used in place of a permit under s. par. (am) is valid for the hunting of one antlerless
20 deer during the deer hunting season immediately following the date of issuance of
21 the certificate on which the person holding the certificate is first eligible to apply for
22 a deer hunting license.

23 **SECTION 30.** 29.593 (2) of the statutes is amended to read:

24 29.593 (2) ~~A~~ If a person who has evidence that is satisfactory to the department
25 indicating that he or she has completed in another state, province, or country a

1 hunter safety course, and if the course is recognized by the department ~~under a~~
2 ~~reciprocity agreement~~, the person may obtain an approval authorizing hunting.

3 **SECTION 31.** 29.593 (2m) of the statutes is amended to read:

4 29.593 **(2m)** A person who has a certificate, license or other evidence indicating
5 that he or she has completed in another state, province, or country a bow hunter
6 education course and if the course is recognized by the department ~~under a~~
7 ~~reciprocity agreement~~, the person may obtain a resident or nonresident archer
8 hunting license regardless of whether the person is issued a certificate of
9 accomplishment for successfully completing the course of instruction under the bow
10 hunter education program in this state.

11 **SECTION 32.** 29.595 (3) (c) of the statutes is amended to read:

12 29.595 **(3)** (c) A person may be issued an elk hunting license if the person holds
13 evidence that demonstrates to the satisfaction of the department that he or she has
14 successfully completed in another state ~~or~~, province, or country an elk hunter
15 education course and if the course is recognized by the department ~~under a~~
16 ~~reciprocity agreement with that state or province~~.

17 **SECTION 33.** 29.597 (7) of the statutes is created to read:

18 29.597 **(7)** PROCEEDS FROM THE SALE OF SKINS. The department may sell, either
19 directly or by an agent under supervision by the department, skins that are prepared
20 as a part of the course of instruction under the trapper education program. Any
21 proceeds that the department receives from the sale of these skins shall be credited
22 to the appropriation account under s. 20.370 (1) (Lq).

23 **SECTION 34.** 29.931 (1) of the statutes is amended to read:

24 29.931 **(1)** SEIZURE AND CONFISCATION OF WILD ANIMALS OR PLANTS. The
25 department and its wardens shall seize and confiscate any wild animal, carcass or

1 plant caught, killed, taken, had in possession or under control, sold or transported
2 in violation of this chapter or ch. 169 or s. 167.31 or ch. 951 if the violation involves
3 an animal normally found in the wild. The officer may, with or without warrant,
4 open, enter and examine all buildings, camps, boats on inland or outlying waters,
5 vehicles, valises, packages and other places where the officer has probable cause to
6 believe that wild animals, carcasses or plants, taken or held in violation of this
7 ~~chapter or ch. 169~~ the commission of such violations, are to be found.

8 **SECTION 35.** 29.931 (2) (a) of the statutes is amended to read:

9 29.931 (2) (a) The department and its wardens shall seize and hold, subject to
10 the order of the court for the county in which the alleged offense was committed, any
11 vehicle, boat or object declared by this chapter to be a public nuisance, or which they
12 have probable cause to believe is being used in violation of this chapter or ch. 169 or
13 s. 167.31, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, is being used in the
14 ~~commission of a crime involving~~ violation of ch. 951 if the violation involves an
15 animal normally found in the wild ~~in violation of s. 951.09~~, or is being used in the
16 commission of a crime relating to a submerged cultural resource in violation of s.
17 44.47. If it is proven that the vehicle, boat or object is a public nuisance or that within
18 6 months previous to the seizure the vehicle, boat or object was used in violation of
19 this chapter or ch. 169 or s. 167.31, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61,
20 was used in the ~~commission of a crime involving~~ violation of ch. 951 if the violation
21 involved an animal normally found in the wild ~~in violation of s. 951.09~~, or was used
22 in the commission of a crime relating to a submerged cultural resource in violation
23 of s. 44.47, it shall be confiscated if the court directs in its order for judgment.

24 **SECTION 36.** 29.934 (1) (a) of the statutes is amended to read:

1 29.934 (1) (a) All wild animals, carcasses ~~or~~, plants, vehicles, boats, or objects
2 that are confiscated by the department for a violation of this chapter or ch. 169 and
3 ~~all vehicles, boats or objects confiscated by the department for a violation of this~~
4 ~~chapter or ch. 169 shall or 951 or s. 167.31~~, if not destroyed as authorized by law, shall
5 be sold, except as provided in ss. 29.936 and 29.938, at the highest price obtainable,
6 by the department, or by an agent on commission under supervision of the
7 department. The net proceeds of sales under this subsection, after deducting the
8 expense of seizure and sale and any commissions and any amounts owing to holders
9 of security interests under par. (c) or (d), shall be remitted to the department. The
10 remittance shall be accompanied by a report of the sales, supported by vouchers for
11 expenses and commissions, and shall be filed with the department.

12 **SECTION 37.** 29.934 (2) of the statutes is amended to read:

13 29.934 (2) On any sales under this section of wild animals or carcasses, the
14 department or the agent selling them shall issue to each purchaser a certificate, on
15 forms prepared and furnished by the department, covering the sales. The wild
16 animals or carcasses so purchased shall be consumed, resold, or otherwise disposed
17 of by the purchaser within a period to be set by the department, but may not be resold
18 or exchanged, in whole or in part, to any other person, ~~except as provided in sub. (3)~~
19 authorized by the department.

20 **SECTION 38.** 29.934 (3) of the statutes is repealed.

21 **SECTION 39.** 29.938 of the statutes is created to read:

22 **29.938 Use by the department of unclaimed, seized, or confiscated**
23 **property.** The department may retain and use any of the following property for the
24 education programs under s. 29.591, the trapper education program under s. 29.597,

1 or other educational hunting, fishing, trapping, or conservation activities conducted
2 by the department:

3 (1) Property seized or confiscated by the department under this chapter or ch.
4 169 or 951 or s. 167.31.

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

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

8 **SECTION 40.** 120.13 (1) (bm) of the statutes is amended to read:

9 120.13 (1) (bm) The school district administrator or any principal or teacher
10 designated by the school district administrator shall suspend a pupil under par. (b)
11 if the school district administrator, principal or teacher determines that the pupil,
12 while at school or while under the supervision of a school authority, possessed a
13 firearm, as defined in 18 USC 921 (a) (3). This paragraph does not apply to a pupil
14 who possesses the firearm to participate in an activity approved and authorized by
15 the school board, if the school board has adopted appropriate safeguards to ensure
16 pupil safety and the pupil participating in the activity complies with those
17 safeguards. This paragraph does not apply to a firearm that is lawfully stored inside
18 a locked vehicle on school property.

19 **SECTION 41.** 120.13 (1) (c) 2m. of the statutes is amended to read:

20 120.13 (1) (c) 2m. The school board shall commence proceedings under subd.
21 3. and expel a pupil from school for not less than one year whenever it finds that the
22 pupil, while at school or while under the supervision of a school authority, possessed
23 a firearm, as defined in 18 USC 921 (a) (3). Annually, the school board shall report
24 to the department the information specified under 20 USC 8921 (d) (1) and (2). This
25 subdivision does not apply to a pupil who possesses the firearm to participate in an

1 activity approved and authorized by the school board, if the school board has adopted
2 appropriate safeguards to ensure pupil safety and the pupil participating in the
3 activity complies with those safeguards. This subdivision does not apply to a firearm
4 that is lawfully stored inside a locked vehicle on school property.

5 **SECTION 42.** 968.20 (3) of the statutes is amended to read:

6 968.20 (3) (a) First class cities shall dispose of dangerous weapons or
7 ammunition seized 12 months after taking possession of them if the owner,
8 authorized under sub. (1m), has not requested their return and if the dangerous
9 weapon or ammunition is not required for evidence or use in further investigation
10 and has not been disposed of pursuant to a court order at the completion of a criminal
11 action or proceeding. Disposition procedures shall be established by ordinance or
12 resolution and may include provisions authorizing an attempt to return to the
13 rightful owner any dangerous weapons or ammunition which appear to be stolen or
14 are reported stolen. If enacted, any such provision shall include a presumption that
15 if the dangerous weapons or ammunition appear to be or are reported stolen an
16 attempt will be made to return the dangerous weapons or ammunition to the
17 authorized rightful owner. If the return of a seized dangerous weapon other than a
18 firearm is not requested by its rightful owner under sub. (1) and is not returned by
19 the officer under sub. (2), the city shall safely dispose of the dangerous weapon or,
20 if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell the motor
21 vehicle following the procedure under s. 973.075 (4) or authorize a law enforcement
22 agency to retain and use the motor vehicle. If the return of a seized firearm or
23 ammunition is not requested by its authorized rightful owner under sub. (1) and is
24 not returned by the officer under sub. (2), the seized firearm or ammunition shall be
25 shipped to and become property of the state crime laboratories. A person designated

1 by the department of justice may destroy any material for which the laboratory has
2 no use or arrange for the exchange of material with other public agencies. In lieu of
3 destruction, shoulder weapons for which the laboratories have no use shall be turned
4 over to the department of natural resources for sale and distribution of proceeds
5 under s. 29.934 or for use under s. 29.938.

6 (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village, town or
7 county or other custodian of a seized dangerous weapon or ammunition, if the
8 dangerous weapon or ammunition is not required for evidence or use in further
9 investigation and has not been disposed of pursuant to a court order at the
10 completion of a criminal action or proceeding, shall make reasonable efforts to notify
11 all persons who have or may have an authorized rightful interest in the dangerous
12 weapon or ammunition of the application requirements under sub. (1). If, within 30
13 days after the notice, an application under sub. (1) is not made and the seized
14 dangerous weapon or ammunition is not returned by the officer under sub. (2), the
15 city, village, town or county or other custodian may retain the dangerous weapon or
16 ammunition and authorize its use by a law enforcement agency, except that a
17 dangerous weapon used in the commission of a homicide or a handgun, as defined
18 in s. 175.35 (1) (b), may not be retained. If a dangerous weapon other than a firearm
19 is not so retained, the city, village, town or county or other custodian shall safely
20 dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as
21 defined in s. 340.01 (35), sell the motor vehicle following the procedure under s.
22 973.075 (4). If a firearm or ammunition is not so retained, the city, village, town or
23 county or other custodian shall ship it to the state crime laboratories and it is then
24 the property of the laboratories. A person designated by the department of justice
25 may destroy any material for which the laboratories have no use or arrange for the

1 exchange of material with other public agencies. In lieu of destruction, shoulder
2 weapons for which the laboratory has no use shall be turned over to the department
3 of natural resources for sale and distribution of proceeds under s. 29.934 or for use
4 under s. 29.938.

5

(END)