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LRB-2367/1 JEO:mfd:arm

1997 ASSEMBLY BILL 563

October 17, 1997 - Introduced by Representative Baumgart. Referred to Committee on Natural Resources.

AN ACT to repeal 943.13 (1e) (a), 943.13 (1e) (b), 943.13 (1e) (c), 943.13 (1e) (d), 943.13 (1e) (e), 943.13 (1e) (f), 943.13 (1m) (e) and 943.13 (1m) (f); to consolidate, renumber and amend 943.13 (1e) (intro.) and (az); to amend 939.52 (2), 943.13 (1m) (intro.), 943.13 (1m) (a) and 943.13 (2) (intro.); and to create 939.52 (1) (ab) and 939.52 (3) (ab) of the statutes; relating to: trespass to land and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits trespassing. Generally, a person is guilty of trespassing if he or she does any of the following: 1) enters or remains on any land of another after having been notified (by "no trespassing" signs or otherwise) not to enter or remain on the land; or 2) enters enclosed, cultivated or undeveloped land of another, or any land of another that is occupied by a structure used for agricultural purposes, without the express or implied consent of the owner or occupant, except that, with respect to undeveloped private land that abuts a parcel of land that is owned by the United States, this state or a local governmental unit, a person is guilty of trespassing only if he or she enters or remains on such land after having been notified (by "no trespassing" signs or otherwise) not to enter or remain on the land. A person who is found guilty of trespassing may be required to forfeit not more than \$1,000.

This bill makes the following changes in current law relating to trespassing:

1. The bill increases the penalty for trespassing by providing that a person who is found guilty of trespassing may be required to forfeit not more than \$1,500.

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2. The bill eliminates undeveloped land from the types of land that may be entered only with the express or implied consent of the owner or occupant and instead treats all undeveloped land in the same way that current law treats undeveloped private land that abuts a parcel of land owned by the United States, this state or a local governmental unit. Thus, under the bill, a person is guilty of trespassing on any kind of undeveloped land only if he or she enters or remains on such land after having been notified (by "no trespassing" signs or otherwise) not to enter or remain on the land.

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

- **Section 1.** 939.52 (1) (ab) of the statutes is created to read:
- 2 939.52 (1) (ab) Class AB forfeiture.

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- 3 **Section 2.** 939.52 (2) of the statutes is amended to read:
- 939.52 (2) A forfeiture is a Class A, AB, B, C, D or E forfeiture when it is so specified in chs. 939 to 951.
- **Section 3.** 939.52 (3) (ab) of the statutes is created to read:
- 7 939.52 (3) (ab) For a Class AB forfeiture, a forfeiture not to exceed \$1,500.
- 8 **SECTION 4.** 943.13 (1e) (intro.) and (az) of the statutes are consolidated, renumbered 943.13 (1) and amended to read:
 - 943.13 (1) In this section: (az) "Implied, "implied consent" means conduct or words or both that imply that an owner or occupant of land has given consent to another person to enter the land.
- 13 **Section 5.** 943.13 (1e) (a) of the statutes is repealed.
- **SECTION 6.** 943.13 (1e) (b) of the statutes is repealed.
- 15 Section 7. 943.13 (1e) (c) of the statutes is repealed.
- **SECTION 8.** 943.13 (1e) (d) of the statutes is repealed.
- 17 **Section 9.** 943.13 (1e) (e) of the statutes is repealed.
- **Section 10.** 943.13 (1e) (f) of the statutes is repealed.

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1	Section 11. 943.13 (1m) (intro.) of the statutes is amended to read:
2	943.13 (1m) (intro.) Whoever does any of the following is subject to a Class \pm
3	AB forfeiture:
4	Section 12. 943.13 (1m) (a) of the statutes is amended to read:
5	943.13 (1m) (a) Enters any enclosed, or cultivated or undeveloped land of
6	another, other than undeveloped land specified in par. (e) or (f), without the express
7	or implied consent of the owner or occupant.
8	Section 13. 943.13 (1m) (e) of the statutes is repealed.
9	Section 14. 943.13 (1m) (f) of the statutes is repealed.
10	Section 15. 943.13 (2) (intro.) of the statutes is amended to read:
11	943.13 (2) (intro.) A person has received notice from the owner or occupant
12	within the meaning of sub. $(1m)$ (b) , (e) or (f) if he or she has been notified personally,
13	either orally or in writing, or if the land is posted. Land is considered to be posted
L 4	under this subsection under either of the following procedures:
15	Section 16. Initial applicability.
16	(1) This act applies to offenses committed on or after the effective date of this
L7	subsection.
18	(END)