



2003 ASSEMBLY BILL 109

March 3, 2003 - Introduced by Representatives JOHNSRUD, PETTIS, KRAWCZYK, GUNDERSON, GARD, KAUFERT, MUSSER, ALBERS, HINES, HAHN, FRISKE, JENSEN, KREIBICH, PLOUFF, SERATTI, OWENS, SUDER, OLSEN, MCCORMICK, J. FITZGERALD and COLON, cosponsored by Senators KEDZIE, ZIEN, STEPP, SCHULTZ and WELCH. Referred to 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) and 29.304 (3) (b) (title); **to renumber** 29.304 (2) (b) 2., 29.304 (3)
3 (a) (intro.), 29.304 (3) (b) (intro.) and 29.304 (3) (b) 2.; **to renumber and amend**
4 29.304 (2) (a), 29.304 (2) (b) (intro.), 29.304 (2) (b) 1., 29.304 (3) (a) 1., 29.304 (3)
5 (a) 2., 29.304 (3) (b) 1. and 29.304 (3) (b) 3.; **to amend** 20.370 (1) (Lq), 29.171
6 (4) (b) 5., 29.304 (1) (title), 29.304 (3) (title), 29.304 (5), 29.541 (1) (a) (intro.),
7 29.563 (11) (b) 1., 29.563 (12) (c) 2., 29.591 (4) (ar), 29.593 (2), 29.934 (1) (a),
8 29.934 (2), 120.13 (1) (bm), 120.13 (1) (c) 2m., 948.605 (2) (b) 4., 948.605 (3) (b)
9 2. and 968.20 (3); and **to create** 29.171 (4) (b) 6., 29.171 (4) (b) 7., 29.194 (4),
10 29.304 (3r) (title), 29.597 (7) and 29.938 of the statutes; **relating to:** the use by
11 the Department of Natural Resources of seized, confiscated, or unclaimed
12 property for educational hunting, fishing, trapping, and other conservation
13 activities; hunting of antlerless deer by holders of certificates of
14 accomplishment issued under the hunter education program and the bow

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

Analysis by the Legislative Reference Bureau

POSSESSION OF FIREARMS AND HUNTING BY MINORS

Possession of firearms by minors less than 12 years old

Under current law, a minor who is under 12 years old may not possess a firearm unless he or she is carrying the firearm to or from a class under the hunter education program while accompanied by his or her parent or guardian or unless the minor is using the firearm during the class. Under current law, a minor who is 12 or 13 years old may not possess a firearm unless he or she is accompanied by his or her parent or guardian or is enrolled in a hunter education program and is either carrying the firearm to or from the class or using it during the class. The bill eliminates the specific restrictions concerning firearm possession for minors under 12 years old so that the current restrictions that apply only to minors who are 12 or 13 years old will apply to any minor 13 years old or younger. The bill makes no changes in current law concerning hunting by minors under 12 years old.

Persons accompanying minors

Current law requires minors who are 12, 13, 14, or 15 years old to be accompanied by a parent or guardian under certain circumstances when hunting or possessing a firearm. This bill allows the parent or guardian to designate another person who is at least 18 years old to accompany the minor under these circumstances.

Small game hunting licenses for minors less than 16 years old

Under current law, a nonresident seeking to hunt small game in this state must be issued a nonresident small game hunting license and must pay a fee that is higher than the fee that a resident pays for a comparable license. Under current law, certain nonresidents either who are in the armed forces and stationed in this state or who are students attending school in this state may be issued a resident small game

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hunting license. Under this bill, a nonresident who is less than 16 years old may be issued a resident small game hunting license if he or she resides in a state that grants this benefit to Wisconsin residents.

Possession of firearms in schools

Under current law, a pupil in a public school must be suspended if the school district administrator, principal, or teacher finds that the pupil possessed a firearm while at school or at a school function; and the school board must commence a proceeding to expel the pupil for not less than one year. This bill provides an exemption for pupils who possess firearms in order to participate in the hunter education program.

EDUCATIONAL PROGRAMS AND CERTIFICATES

Under current law, any person born on or after January 1, 1993, may not be issued a hunting license unless the person is issued a certificate stating that he or she has completed a hunter education program. Under current law, the Department of Natural Resources (DNR) may recognize hunter education certificates from other states for the purpose of issuing hunting licenses. DNR also recognizes hunter education certificates from other states and provinces for purposes of allowing 14-year-olds and 15-year-olds to hunt and possess firearms. This bill allows DNR to recognize certificates from other states, provinces, and countries for both of these purposes.

Under current law, the hunter education certificate may be used in lieu of a special permit for an antlerless deer only during the deer hunting season immediately following the date on which the certificate was issued. A certificate holder who is under 12 years old during that season is not able to use the certificate as a permit during that season because he or she must be 12 years old to hunt. Under the bill, the certificate may be used during the deer hunting season immediately following the date on which the certificate holder is first eligible to apply for a deer hunting license.

The bill also allows DNR to retain and use unclaimed, seized, or confiscated property, for DNR's educational hunting, fishing, trapping, and other conservation programs.

MISCELLANEOUS PROVISIONS

Under current law, proceeds received by DNR from the sales of pelts that are prepared during instruction under the trapper education program established by DNR are deposited in the conservation fund. Under this bill, these proceeds are specifically credited to an appropriation to provide funds for the trapper education program.

The bill also requires certain types of arrow tips be used on crossbows, depending on the type of game being hunted.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 20.370 (1) (Lq) *Trapper education program.* As a continuing appropriation, all
3 moneys remitted to the department under s. 29.597 (3), an amount equal to the
4 amount calculated under s. 29.331 (3m), all moneys received from the sale of skins
5 processed as part of the trapper education program under s. 29.597, and all moneys
6 received from fees collected under s. 29.563 (12) (c) 3. for the trapper education
7 program under s. 29.597.

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

9 29.171 (4) (b) 5. Shall be used with bolts or arrows of not less than 14 inches
10 in length ~~with a broadhead.~~

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

12 29.171 (4) (b) 6. Shall be used with bolts or arrows that have broadhead tips
13 when hunting bear or deer.

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

15 29.171 (4) (b) 7. Shall be used with bolts or arrows that have broadhead tips
16 or blunt tips when hunting game other than bear or deer.

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

18 29.194 (4) **RESIDENT SMALL GAME HUNTING LICENSES FOR NONRESIDENT MINORS.** (a)
19 In this subsection:

20 1. “Hunting license” means a license or permit that authorizes the hunting of
21 small game with a firearm.

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

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

5 1. The applicant is a minor.

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

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

11 29.304 (1) (title) PERSONS HUNTING BY PERSONS UNDER 12 YEARS OF AGE.

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

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

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

16 29.304 (2) ~~PERSONS 12 TO 14~~ HUNTING BY PERSONS 12 AND 13 YEARS OF AGE. No
17 person 12 years of age or older but under 14 years of age may hunt unless he or she
18 is accompanied by ~~a~~ his or her parent or guardian or by a person at least 18 years
19 of age who is designated by the parent or guardian.

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

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

23 29.304 (3m) POSSESSION BY PERSONS UNDER 14 YEARS OF AGE. (intro.) No person
24 ~~12 years of age or older but~~ under 14 years of age may have in his or her possession
25 or control any firearm unless he or she:

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

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

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

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

7 29.304 (**3**) (title) ~~PERSONS 14 TO 16~~ HUNTING BY PERSONS 14 AND 15 YEARS OF AGE.

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

9 **SECTION 16.** 29.304 (3) (a) (intro.) of the statutes is renumbered 29.304 (3)
10 (intro.).

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

13 29.304 (**3**) (a) Is accompanied by ~~a~~ his or her parent or guardian or by a person
14 at least 18 years of age who is designated by the parent or guardian; or

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

17 29.304 (**3**) (b) Is issued a certificate of accomplishment that states that he or
18 she successfully completed the course of instruction under the hunter education
19 program or has a similar certificate issued by another state ~~or~~, province, or country
20 that has a hunter safety course that is recognized by the department under a
21 reciprocity agreement.

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

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

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

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

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

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

8 29.304 (**3r**) (c) Is issued a certificate of accomplishment that states that he or
9 she completed the course of instruction under the hunter education program or has
10 a similar certificate issued by another state ~~or~~ province, or country that has a hunter
11 safety course that is recognized by the department under a reciprocity agreement.

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

13 29.304 (**3r**) (title) POSSESSION BY PERSONS 14 TO 16 YEARS OF AGE.

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

15 29.304 (**5**) EXCEPTION. Notwithstanding subs. ~~(1) to (3)~~ (2) to (3r), a person 12
16 years of age or older may possess or control a firearm and may hunt with a firearm
17 or bow and arrow on land under the ownership of the person or the person's family
18 if no license is required and if the firing of firearms is permitted on that land.

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

20 29.541 (**1**) (a) (intro.) ~~No~~ Except as provided in s. 29.934 (3), no innkeeper,
21 manager or steward of any restaurant, club, hotel, boarding house, tavern, logging
22 camp or mining camp may sell, barter, serve or give, or cause to be sold, bartered,
23 served or given, to its guests or boarders any of the following:

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

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

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

4 29.563 (12) (c) 2. Hunter education and ~~firearm safety~~ course certificate of
5 accomplishment: \$2.

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

7 29.591 (4) (ar) *Period for hunting antlerless deer.* A certificate of
8 accomplishment issued under this section that the department has authorized to be
9 used in place of a permit under s. par. (am) is valid for the hunting of one antlerless
10 deer during the deer hunting season immediately following the date of issuance of
11 the certificate on which the person holding the certificate is first eligible to apply for
12 a deer hunting license.

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

14 29.593 (2) ~~A~~ If a person who has evidence that is satisfactory to the department
15 indicating that he or she has completed in another state, province, or country a
16 hunter safety course, and if the course is recognized by the department under a
17 reciprocity agreement, the person may obtain an approval authorizing hunting.

18 **SECTION 31.** 29.597 (7) of the statutes is created to read:

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

24 **SECTION 32.** 29.934 (1) (a) of the statutes is amended to read:

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

12 **SECTION 33.** 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 **SECTION 34.** 29.938 of the statutes is created to read:

20 **29.938 Use by the department of unclaimed, seized, or confiscated**
21 **property.** The department may retain and use any of the following property for the
22 education programs under s. 29.591, the trapper education program under s. 29.597,
23 or other educational hunting, fishing, trapping, or conservation activities conducted
24 by the department:

25 (1) Property seized or confiscated under this chapter or ch. 169.

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

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

4 **SECTION 35.** 120.13 (1) (bm) of the statutes is amended to read:

5 120.13 **(1)** (bm) The school district administrator or any principal or teacher
6 designated by the school district administrator shall suspend a pupil under par. (b)
7 if the school district administrator, principal or teacher determines that the pupil,
8 while at school or while under the supervision of a school authority, possessed a
9 firearm, as defined in 18 USC 921 (a) (3). This paragraph does not apply if the pupil
10 possesses the firearm in order to participate in the hunter education program
11 conducted under s. 29.591.

12 **SECTION 36.** 120.13 (1) (c) 2m. of the statutes is amended to read:

13 120.13 **(1)** (c) 2m. The school board shall commence proceedings under subd.
14 3. and expel a pupil from school for not less than one year whenever it finds that the
15 pupil, while at school or while under the supervision of a school authority, possessed
16 a firearm, as defined in 18 USC 921 (a) (3). Annually, the school board shall report
17 to the department the information specified under 20 USC 8921 (d) (1) and (2). This
18 subdivision does not apply if the pupil possesses the firearm in order to participate
19 in the hunter education program conducted under s. 29.591.

20 **SECTION 37.** 948.605 (2) (b) 4. of the statutes is amended to read:

21 948.605 **(2)** (b) 4. By an individual for use in ~~a~~ the hunter education program
22 conducted under s. 29.591 or another program approved by a school in the school
23 zone;

24 **SECTION 38.** 948.605 (3) (b) 2. of the statutes is amended to read:

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1 948.605 (3) (b) 2. As part of ~~a~~ the hunter education program conducted under
2 s. 29.591 or other program approved by a school in the school zone, by an individual
3 who is participating in the program;

4 **SECTION 39.** 968.20 (3) of the statutes is amended to read:

5 968.20 (3) (a) First class cities shall dispose of dangerous weapons or
6 ammunition seized 12 months after taking possession of them if the owner,
7 authorized under sub. (1m), has not requested their return and if the dangerous
8 weapon or ammunition is not required for evidence or use in further investigation
9 and has not been disposed of pursuant to a court order at the completion of a criminal
10 action or proceeding. Disposition procedures shall be established by ordinance or
11 resolution and may include provisions authorizing an attempt to return to the
12 rightful owner any dangerous weapons or ammunition which appear to be stolen or
13 are reported stolen. If enacted, any such provision shall include a presumption that
14 if the dangerous weapons or ammunition appear to be or are reported stolen an
15 attempt will be made to return the dangerous weapons or ammunition to the
16 authorized rightful owner. If the return of a seized dangerous weapon other than a
17 firearm is not requested by its rightful owner under sub. (1) and is not returned by
18 the officer under sub. (2), the city shall safely dispose of the dangerous weapon or,
19 if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell the motor
20 vehicle following the procedure under s. 973.075 (4) or authorize a law enforcement
21 agency to retain and use the motor vehicle. If the return of a seized firearm or
22 ammunition is not requested by its authorized rightful owner under sub. (1) and is
23 not returned by the officer under sub. (2), the seized firearm or ammunition shall be
24 shipped to and become property of the state crime laboratories. A person designated
25 by the department of justice may destroy any material for which the laboratory has

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

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

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1 weapons for which the laboratory has no use shall be turned over to the department
2 of natural resources for sale and distribution of proceeds under s. 29.934 or for use
3 under s. 29.938.

4 (END)