



State of Wisconsin
2009 - 2010 LEGISLATURE

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2009 ASSEMBLY BILL 737

February 11, 2010 - Introduced by Representatives SMITH, SUDER, TURNER, DANOU, BERCEAU, HEBL, VAN ROY, TOWNSEND, KAUFERT, BIES, RIPP, PETROWSKI and A. WILLIAMS, cosponsored by Senator HOLPERIN. Referred to Committee on Fish and Wildlife.

1 **AN ACT** *to renumber* 29.207 and 29.213; *to renumber and amend* 29.161,
2 29.164 (2) (b), 29.184 (1), 29.184 (3) (bg) and 29.204; *to amend* 29.161 (title),
3 29.179 (1) (a) 7., 29.179 (1) (a) 9., 29.180 (1) (a) 7., 29.180 (1) (a) 9., 29.184 (3)
4 (bg) (title), 29.194 (1) (a), 29.194 (3), 29.204 (title), 29.231 (2), 29.231 (3), 29.235
5 (2) (a), 29.235 (2) (c), 29.235 (2m) (a), 29.235 (2m) (c), 29.553 (1) (f), 29.553 (1)
6 (h), 29.563 (2) (a) 1., 29.563 (2) (a) 2., 29.563 (2) (a) 3., 29.563 (2) (a) 4., 29.563
7 (2) (a) 9., 29.563 (2) (b) 1., 29.563 (2) (b) 8., 29.563 (12) (a) 3., 29.563 (14) (a) 1.,
8 29.591 (4) (a) 2. and 29.624 (1); and *to create* 29.001 (7), 29.024 (1m), 29.161
9 (2), 29.162, 29.164 (1) (e), 29.164 (2) (b) 2., 29.179 (1) (a) 7m., 29.179 (1) (a) 9m.,
10 29.180 (1) (a) 7m., 29.180 (1) (a) 9m., 29.184 (1) (a), 29.184 (3) (bg) 2., 29.184 (10),
11 29.204 (2), 29.207 (2), 29.213 (2), 29.553 (1) (fm), 29.553 (1) (hg), 29.563 (2) (a)
12 1g., 29.563 (2) (a) 1r., 29.563 (2) (a) 6m., 29.563 (2) (a) 10., 29.563 (2) (b) 1m.,
13 29.563 (2) (b) 4m., 29.563 (2) (b) 9., 29.971 (3r) and 169.09 (1r) of the statutes;
14 **relating to:** weapons authorized for use under certain hunting approvals,

ASSEMBLY BILL 737

1 prohibiting certain persons from obtaining or using hunting approvals,
2 authorizing issuance of archery hunting approvals and nonfirearm hunting
3 approvals for hunting certain animals, and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits certain persons from possessing a firearm. A felon is prohibited from possessing a firearm subsequent to conviction and certain persons adjudicated delinquent may not possess a firearm subsequent to adjudication. A person found not guilty of a felony by reason of mental defect is prohibited from possessing a firearm subsequent to the not guilty finding. Current law also prohibits certain persons ordered not to possess a firearm, such as those committed for treatment for a mental illness, from possessing a firearm while subject to that order. A person who is enjoined from committing acts of domestic abuse or who is enjoined from coming into contact with a child is prohibited from possessing a firearm while the injunction is in effect. Finally, a person who is subject to an order that prohibits the person from engaging in harassing behavior and from possessing a firearm, is prohibited from possessing a firearm while the order is in effect.

This bill prohibits a person who, under current law, is prohibited from possessing a firearm from obtaining or using a license, permit, or other approval (approval) issued by the Department of Natural Resources (DNR) if the approval authorizes hunting with a firearm. The bill provides that a person who violates this prohibition is subject to a forfeiture of not less than \$500 nor more than \$1,000. In addition, the court must revoke all hunting approvals issued to that person by DNR and prohibit that person from holding such an approval for a period of five years.

Under current law, the statutes for some of the hunting licenses issued by DNR specify whether firearms, bows and arrows, or crossbows may be used for hunting under those licenses. For other licenses, the allowable weapon is specified in the administrative code. This bill clarifies in the statutes which weapons may be used under the authority of existing hunting licenses. The bill changes the name of a small game hunting license to a small game hunting general license, changes the name of a wild turkey hunting license to a wild turkey hunting general license, and changes the name of a Class A bear license to a Class A bear general license. The bill also creates three new licenses. The bill creates a small game hunting nonfirearm license, a wild turkey hunting archery license, and a Class A bear archery license. All three of these new licenses authorize hunting with a bow and arrow or with a crossbow if the holder has a permit that authorizes the holder to use a crossbow or if the holder is a resident senior citizen. The small game hunting nonfirearm license also allows the holder to hunt with an airgun.

ASSEMBLY BILL 737

For further information see the *state* 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.** 29.001 (7) of the statutes is created to read:

2 29.001 (7) “Airgun” means a weapon that expels a projectile by the expansion
3 of compressed air or other gas and not by the use of gunpowder.

4 **SECTION 2.** 29.024 (1m) of the statutes is created to read:

5 29.024 (1m) PERSONS PROHIBITED FROM OBTAINING OR USING CERTAIN APPROVALS.
6 No person may obtain or use an approval issued under this chapter that authorizes
7 hunting with a firearm if the person is prohibited from possessing a firearm under
8 s. 941.29 (1). The department shall provide each person who applies for an approval
9 under this chapter that authorizes hunting with a firearm with a notice of the
10 prohibition under this subsection.

11 **SECTION 3.** 29.161 (title) of the statutes is amended to read:

12 **29.161 (title) Resident small game hunting general license.**

13 **SECTION 4.** 29.161 of the statutes is renumbered 29.161 (1) and amended to
14 read:

15 29.161 (1) A resident small game hunting general license shall be issued
16 subject to ss. 29.024 and 54.25 (2) (c) 1. d. by the department to any resident applying
17 for this license. The resident small game hunting general license does not authorize
18 the hunting of bear, deer, elk, or wild turkey.

19 **SECTION 5.** 29.161 (2) of the statutes is created to read:

20 29.161 (2) A resident small game hunting general license authorizes hunting
21 with a firearm, airgun, or bow and arrow or with a crossbow if the holder of the license

ASSEMBLY BILL 737**SECTION 5**

1 has a Class A, Class B, or Class C permit issued under s. 29.193 (2) that authorizes
2 hunting with a crossbow, has a crossbow permit issued under s. 29.171 (4) (a), or is
3 a resident senior citizen.

4 **SECTION 6.** 29.162 of the statutes is created to read:

5 **29.162 Small game hunting nonfirearm license. (1) ISSUANCE.** A small
6 game hunting nonfirearm license shall be issued subject to ss. 29.024 and 54.25 (2)
7 (c) 1. d. by the department to any person applying for this license. A small game
8 hunting nonfirearm license does not authorize the hunting of bear, deer, elk, or wild
9 turkey or, if the person is a nonresident, fur-bearing animals.

10 **(2) AUTHORIZATION.** A small game hunting nonfirearm license authorizes a
11 resident or nonresident holder of the license to hunt small game with an airgun, bow
12 and arrow, or with a crossbow if the holder of the license has a Class A, Class B, or
13 Class C permit issued under s. 29.193 (2) that authorizes hunting with a crossbow
14 or has a crossbow permit issued under s. 29.171 (4) (a), or is a resident senior citizen.

15 **SECTION 7.** 29.164 (1) (e) of the statutes is created to read:

16 29.164 (1) (e) "Wild turkey hunting license" means a wild turkey hunting
17 general license or a wild turkey hunting archery license.

18 **SECTION 8.** 29.164 (2) (b) of the statutes is renumbered 29.164 (2) (b) 1. and
19 amended to read:

20 29.164 (2) (b) 1. A wild turkey hunting general license issued under this section
21 authorizes hunting a resident or nonresident holder of the license to hunt wild turkey
22 with a firearm or bow and arrow or with a crossbow if the holder of the license is a
23 resident and has a Class A, Class B or Class C permit issued under s. 29.193 (2) that
24 authorizes hunting with a crossbow or has a crossbow permit issued under s. 29.171
25 (4) (a), or is a resident senior citizen.

ASSEMBLY BILL 737

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

2 29.164 **(2)** (b) 2. A wild turkey hunting archery license issued under this section
3 authorizes a resident or nonresident holder of the license to hunt wild turkey with
4 a bow and arrow or with a crossbow if the holder of the license has a Class A, Class
5 B, or Class C permit issued under s. 29.193 (2) that authorizes hunting with a
6 crossbow or has a crossbow permit issued under s. 29.171 (4) (a), or is a resident
7 senior citizen.

8 **SECTION 10.** 29.179 (1) (a) 7. of the statutes is amended to read:

9 29.179 **(1)** (a) 7. A wild turkey hunting general license.

10 **SECTION 11.** 29.179 (1) (a) 7m. of the statutes is created to read:

11 29.179 **(1)** (a) 7m. A wild turkey hunting archery license.

12 **SECTION 12.** 29.179 (1) (a) 9. of the statutes is amended to read:

13 29.179 **(1)** (a) 9. A Class A bear general license.

14 **SECTION 13.** 29.179 (1) (a) 9m. of the statutes is created to read:

15 29.179 **(1)** (a) 9m. A Class A bear archery license.

16 **SECTION 14.** 29.180 (1) (a) 7. of the statutes is amended to read:

17 29.180 **(1)** (a) 7. Wild turkey hunting general license.

18 **SECTION 15.** 29.180 (1) (a) 7m. of the statutes is created to read:

19 29.180 **(1)** (a) 7m. Wild turkey hunting archery license.

20 **SECTION 16.** 29.180 (1) (a) 9. of the statutes is amended to read:

21 29.180 **(1)** (a) 9. Class A bear general license.

22 **SECTION 17.** 29.180 (1) (a) 9m. of the statutes is created to read:

23 29.180 **(1)** (a) 9m. Class A bear archery license.

24 **SECTION 18.** 29.184 (1) of the statutes is renumbered 29.184 (1) (intro.) and
25 amended to read:

ASSEMBLY BILL 737**SECTION 18**

1 29.184 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section, ~~notwithstanding;~~
2 **(b) Notwithstanding** s. 29.001 (42), “hunt bear” means to shoot, shoot at, take,
3 catch, or kill a bear or pursue, with or without the use of dogs, a bear for the purpose
4 of shooting, shooting at, taking, catching, or killing the bear.

5 **SECTION 19.** 29.184 (1) (a) of the statutes is created to read:

6 29.184 (1) (a) “Class A bear license” means a Class A bear general license or
7 a Class A bear archery license issued under this section.

8 **SECTION 20.** 29.184 (3) (bg) (title) of the statutes is amended to read:

9 29.184 (3) (bg) (title) *Authorization; Class A bear ~~license~~ licenses.*

10 **SECTION 21.** 29.184 (3) (bg) of the statutes is renumbered 29.184 (3) (bg) 1. and
11 amended to read:

12 29.184 (3) (bg) 1. A Class A bear general license authorizes a resident or
13 nonresident holder of the license to hunt bear with a firearm or bow and arrow or
14 with a crossbow if the holder of the license has a Class A, Class B, or Class C permit
15 issued under s. 29.193 (2) that authorizes hunting with a crossbow or has a crossbow
16 permit issued under s. 29.171 (4) (a), or is a resident senior citizen, and to exercise
17 all of the privileges of a Class B bear license.

18 **SECTION 22.** 29.184 (3) (bg) 2. of the statutes is created to read:

19 29.184 (3) (bg) 2. A Class A bear archery license authorizes a resident or
20 nonresident holder of the license to hunt bear with a bow and arrow or with a
21 crossbow if the holder of the license has a Class A, Class B, or Class C permit issued
22 under s. 29.193 (2) that authorizes hunting with a crossbow or has a crossbow permit
23 issued under s. 29.171 (4) (a), or is a resident senior citizen, and to exercise all of the
24 privileges of a Class B bear license.

25 **SECTION 23.** 29.184 (10) of the statutes is created to read:

ASSEMBLY BILL 737

1 29.184 (10) LICENSE LIMITATION. No person may apply for or receive more than
2 one Class A bear license during one season.

3 **SECTION 24.** 29.194 (1) (a) of the statutes is amended to read:

4 29.194 (1) (a) Notwithstanding ss. 29.024 (2) and 29.228 (1) (a), the department
5 shall issue a ~~resident~~ nonresident fishing license, ~~resident~~ nonresident small game
6 hunting general license, small game hunting nonfirearm license, or ~~resident~~
7 nonresident deer hunting license to a qualified student applying for the license.
8 Notwithstanding the fees specified for these licenses under s. 29.563 (2) and (3), the
9 department shall charge the fees for these licenses as if they were issued to a
10 resident. A qualified student is a person who exhibits proof that he or she is a
11 registered full-time student who is present in this state attending a public or private
12 college or university that is located in this state and that offers an associate degree
13 or a bachelor's degree or that he or she is a citizen of a foreign country temporarily
14 residing in this state while attending a high school located in this state or an
15 agricultural short course at the University of Wisconsin System.

16 **SECTION 25.** 29.194 (3) of the statutes is amended to read:

17 29.194 (3) ~~RESIDENT ARMED FORCES SMALL GAME HUNTING LICENSE~~ LICENSES. A
18 small game hunting general license or small game hunting nonfirearm license shall
19 be issued by the department to any member of the U.S. armed forces applying for this
20 license who exhibits proof that he or she is in active service with the armed forces and
21 that he or she is a resident on furlough or leave.

22 **SECTION 26.** 29.204 (title) of the statutes is amended to read:

23 **29.204 (title) Nonresident annual small game hunting general license.**

24 **SECTION 27.** 29.204 of the statutes is renumbered 29.204 (1) and amended to
25 read:

ASSEMBLY BILL 737**SECTION 27**

1 29.204 (1) A nonresident annual small game hunting general license shall be
2 issued subject to s. 29.024 by the department to any nonresident applying for this
3 license. The nonresident annual small game hunting general license authorizes the
4 hunting of small game during the appropriate open season but does not authorize the
5 hunting of deer, elk, bear, wild turkey, or fur-bearing animals.

6 **SECTION 28.** 29.204 (2) of the statutes is created to read:

7 29.204 (2) A nonresident annual small game hunting general license
8 authorizes hunting with a firearm, airgun, or bow and arrow or with a crossbow if
9 the holder of the license has a Class A, Class B, or Class C permit issued under s.
10 29.193 (2) that authorizes hunting with a crossbow.

11 **SECTION 29.** 29.207 of the statutes is renumbered 29.207 (1).

12 **SECTION 30.** 29.207 (2) of the statutes is created to read:

13 29.207 (2) A nonresident 5-day small game hunting license authorizes hunting
14 with a firearm, airgun, or bow and arrow or with a crossbow if the holder of the license
15 has a Class A, Class B, or Class C permit issued under s. 29.193 (2) that authorizes
16 hunting with a crossbow.

17 **SECTION 31.** 29.213 of the statutes is renumbered 29.213 (1).

18 **SECTION 32.** 29.213 (2) of the statutes is created to read:

19 29.213 (2) A nonresident fur-bearing animal hunting license authorizes
20 hunting with a firearm, airgun, or bow and arrow or with a crossbow if the holder of
21 the license has a Class A, Class B, or Class C permit issued under s. 29.193 (2) that
22 authorizes hunting with a crossbow.

23 **SECTION 33.** 29.231 (2) of the statutes is amended to read:

24 29.231 (2) A resident sports license confers upon the licensee all of the
25 combined privileges conferred by a resident small game hunting general license,

ASSEMBLY BILL 737

1 resident fishing license and resident deer hunting license subject to all of the duties,
2 conditions, limitations and restrictions of those licenses.

3 **SECTION 34.** 29.231 (3) of the statutes is amended to read:

4 29.231 (3) A nonresident sports license confers upon the licensee all of the
5 combined privileges conferred by a nonresident small game hunting general license,
6 nonresident fishing license and nonresident deer hunting license subject to all of the
7 duties, conditions, limitations and restrictions of those licenses.

8 **SECTION 35.** 29.235 (2) (a) of the statutes is amended to read:

9 29.235 (2) (a) A resident small game hunting general license.

10 **SECTION 36.** 29.235 (2) (c) of the statutes is amended to read:

11 29.235 (2) (c) A resident wild turkey hunting general license.

12 **SECTION 37.** 29.235 (2m) (a) of the statutes is amended to read:

13 29.235 (2m) (a) A nonresident small game hunting general license.

14 **SECTION 38.** 29.235 (2m) (c) of the statutes is amended to read:

15 29.235 (2m) (c) A nonresident wild turkey hunting general license.

16 **SECTION 39.** 29.553 (1) (f) of the statutes is amended to read:

17 29.553 (1) (f) Wild turkey hunting general license.

18 **SECTION 40.** 29.553 (1) (fm) of the statutes is created to read:

19 29.553 (1) (fm) Wild turkey hunting archery license.

20 **SECTION 41.** 29.553 (1) (h) of the statutes is amended to read:

21 29.553 (1) (h) Class A bear general license.

22 **SECTION 42.** 29.553 (1) (hg) of the statutes is created to read:

23 29.553 (1) (hg) Class A bear archery license.

24 **SECTION 43.** 29.563 (2) (a) 1. of the statutes is amended to read:

25 29.563 (2) (a) 1. Small game general: \$15.25.

ASSEMBLY BILL 737

1 **SECTION 44.** 29.563 (2) (a) 1g. of the statutes is created to read:

2 29.563 (2) (a) 1g. Small game nonfirearm: \$15.25.

3 **SECTION 45.** 29.563 (2) (a) 1r. of the statutes is created to read:

4 29.563 (2) (a) 1r. Small game nonfirearm issued to persons who are under 18
5 years of age: \$6.25.

6 **SECTION 46.** 29.563 (2) (a) 2. of the statutes is amended to read:

7 29.563 (2) (a) 2. Small game general issued to a resident senior citizen: \$6.25.

8 **SECTION 47.** 29.563 (2) (a) 3. of the statutes is amended to read:

9 29.563 (2) (a) 3. Small game general issued to a member of the armed forces
10 under s. 29.194 (3): \$0.

11 **SECTION 48.** 29.563 (2) (a) 4. of the statutes, as affected by 2009 Wisconsin Act
12 39, is amended to read:

13 29.563 (2) (a) 4. Small game general issued to persons who are under 18 years
14 of age: \$6.25.

15 **SECTION 49.** 29.563 (2) (a) 6m. of the statutes is created to read:

16 29.563 (2) (a) 6m. Class A bear archery: \$46.25.

17 **SECTION 50.** 29.563 (2) (a) 9. of the statutes is amended to read:

18 29.563 (2) (a) 9. Wild turkey general: \$12.25.

19 **SECTION 51.** 29.563 (2) (a) 10. of the statutes is created to read:

20 29.563 (2) (a) 10. Wild turkey archery: \$12.25.

21 **SECTION 52.** 29.563 (2) (b) 1. of the statutes is amended to read:

22 29.563 (2) (b) 1. Annual small game general: \$82.25.

23 **SECTION 53.** 29.563 (2) (b) 1m. of the statutes is created to read:

24 29.563 (2) (b) 1m. Small game nonfirearm: \$82.25.

25 **SECTION 54.** 29.563 (2) (b) 4m. of the statutes is created to read:

ASSEMBLY BILL 737

1 29.563 (2) (b) 4m. Class A bear archery: \$248.25.

2 **SECTION 55.** 29.563 (2) (b) 8. of the statutes is amended to read:

3 29.563 (2) (b) 8. Wild turkey general: \$57.25.

4 **SECTION 56.** 29.563 (2) (b) 9. of the statutes is created to read:

5 29.563 (2) (b) 9. Wild turkey archery: \$57.25.

6 **SECTION 57.** 29.563 (12) (a) 3. of the statutes is amended to read:

7 29.563 (12) (a) 3. Other hunting: \$9.25, except that the fee shall be the total
8 cost of issuing the original approval, including any supplemental fee under sub. (14),
9 if that total cost is less than \$10.

10 **SECTION 58.** 29.563 (14) (a) 1. of the statutes, as affected by 2009 Wisconsin Act
11 28, is amended to read:

12 29.563 (14) (a) 1. The processing fee for applications for approvals under the
13 cumulative preference systems for the hunter's choice deer hunting permit, bonus
14 deer hunting permit, wild turkey hunting general license, wild turkey hunting
15 archery license, Class A bear general license, Class A bear archery license, Canada
16 goose hunting permit, sharp-tailed grouse hunting permit, otter trapping permit,
17 fisher trapping permit, or sturgeon fishing permit: \$2.75.

18 **SECTION 59.** 29.591 (4) (a) 2. of the statutes is amended to read:

19 29.591 (4) (a) 2. A resident may use the certificate of accomplishment issued
20 to him or her for successfully completing the course of instruction under the hunter
21 education program for the first time in place of a small game hunting general or
22 nonfirearm license unless the resident is prohibited from obtaining a small game
23 hunting general license under s. 29.024 (1m). If the resident is prohibited from
24 obtaining a small game hunting general license under s. 29.024 (1m), the resident

ASSEMBLY BILL 737**SECTION 59**

1 may use the certificate of accomplishment in place of a small game hunting
2 nonfirearm license.

3 **SECTION 60.** 29.624 (1) of the statutes is amended to read:

4 29.624 (1) A senior citizen recreation card entitles the holder to exercise all of
5 the combined rights and privileges conferred by a resident small game hunting
6 general license, a wild turkey hunting license, a wild turkey hunting stamp and a
7 resident fishing license, subject to all duties, conditions, limitations and restrictions
8 of the licenses and stamp. A person may operate any motor vehicle, except a motor
9 bus, as defined in s. 340.01 (31), subject to the admission requirements under s. 27.01
10 (7) in any vehicle admission area under s. 27.01 (7) without having an admission
11 receipt affixed to the vehicle or otherwise displayed and without paying a fee if the
12 vehicle has as an occupant a card holder who can present the card upon demand in
13 the vehicle admission area. The card permits a card holder to enter Heritage Hill
14 state park or a state trail without paying an admission fee.

15 **SECTION 61.** 29.971 (3r) of the statutes is created to read:

16 29.971 (3r) For obtaining or using a hunting approval in violation of s. 29.024
17 (1m), by a forfeiture of not less than \$500 nor more than \$1,000. In addition, the court
18 shall order the revocation of all hunting privileges and approvals issued to the person
19 under this chapter and shall prohibit the person from holding any hunting approval
20 under this chapter for a period of 5 years from the date of the court's order.

21 **SECTION 62.** 169.09 (1r) of the statutes is created to read:

22 169.09 (1r) PERSONS PROHIBITED FROM OBTAINING OR USING CERTAIN LICENSES.
23 Notwithstanding any authorization for hunting under this section, no person may
24 obtain or use a license specified under sub. (1) if the person is prohibited from
25 possessing a firearm under s. 941.29 (1). The department shall provide each person

