



2021 ASSEMBLY BILL 872

January 18, 2022 - Introduced by Representatives TITTL, MILROY, ARMSTRONG and SKOWRONSKI. Referred to Committee on Sporting Heritage.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 29.016 (1) (b), 29.016 (2) (intro.), 29.053 (3), 29.089 (2) (intro.),
2 29.091 (1), 29.091 (2) (intro.), 29.164 (2) (b), 29.173 (2) (a), 29.182 (3) (a), 29.182
3 (3) (b), 29.184 (3) (am), 29.184 (3) (c), 29.185 (6) (a) 1., 29.185 (6) (b), 29.193 (2)
4 (cr) 4., 29.193 (2) (d), 29.211 (2), 29.304 (title), 29.311 (1), 29.312 (2), 29.314 (3)
5 (a), 29.314 (3) (b) 4., 29.314 (4) (a), 29.314 (4) (b) 4., 29.324 (1) (b), 29.324 (1) (d),
6 29.341 (1), 29.345, 29.592 (1) (intro.), 29.621 (4) (intro.), 29.927 (6g), 29.971 (12)
7 and 66.0409 (1) (a); and *to create* 29.001 (5), 29.001 (7), 29.014 (1u), 29.304 (6)
8 and 29.314 (6m) of the statutes; **relating to:** hunting with an airgun, providing
9 an exemption from emergency rule procedures, granting rule-making
10 authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under this bill, a person may hunt a wild animal with an airgun in a season open to hunting that animal with a firearm. The bill defines “airgun” as a weapon originally manufactured to expel one or more projectiles by the expansion of compressed air, including an airbow. “Airbow” is defined as a weapon originally designed to fire an arrow by the expansion of compressed air.

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Under current law, the Department of Natural Resources is authorized to establish open and closed seasons for the hunting of wild animals. DNR issues hunting licenses that authorize the hunting of specified animals and those licenses specify the type of weapon that may be used when hunting under those licenses.

Under the bill, if DNR establishes an open season for hunting an animal with a firearm, the season must also be open for hunting that animal with an airgun. The bill also provides that each license that currently authorizes the hunting of an animal with a firearm also authorizes the hunting of that animal with an airgun.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

1 **SECTION 1.** 29.001 (5) of the statutes is created to read:

2 29.001 (5) “Airbow” means a weapon originally designed to fire an arrow by the
3 expansion of compressed air.

4 **SECTION 2.** 29.001 (7) of the statutes is created to read:

5 29.001 (7) “Airgun” means a weapon originally manufactured to expel one or
6 more projectiles by the expansion of compressed air. “Airgun” includes an airbow.

7 **SECTION 3.** 29.014 (1u) of the statutes is created to read:

8 29.014 (1u) (a) If the department establishes an open season for hunting an
9 animal with a firearm, the season shall also be open for hunting that animal with an
10 airgun.

11 (b) The department may promulgate rules limiting the types of airguns that
12 may be used to hunt specific species during particular hunting seasons. If the
13 department promulgates rules under this paragraph, the department shall allow the
14 use of airguns and airgun ammunition that are similar to permitted firearms and
15 firearm ammunition with regards to effectiveness for hunting.

16 **SECTION 4.** 29.016 (1) (b) of the statutes is amended to read:

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1 29.016 (1) (b) Except as provided in subs. (2) and (3), establish a fall open
2 season for hunting deer with firearms and airguns that begins before the Saturday
3 immediately preceding the 4th Thursday in November.

4 **SECTION 5.** 29.016 (2) (intro.) of the statutes is amended to read:

5 29.016 (2) (intro.) Subsection (1) (b) does not prohibit the department from
6 promulgating a rule that establishes a fall open season for hunting deer with
7 firearms and airguns that begins before the Saturday immediately preceding the 4th
8 Thursday in November if any of the following applies:

9 **SECTION 6.** 29.053 (3) of the statutes is amended to read:

10 29.053 (3) The department may modify any requirement of this chapter or
11 rules promulgated under it, establish special seasons, authorize the use of special
12 equipment or take any other action in order to provide additional hunting and fishing
13 opportunities for persons who are physically disabled or visually handicapped. The
14 department may limit the number of persons involved, except that if the department
15 establishes a special season for hunting deer with firearms and airguns for persons
16 who are physically disabled, the season shall be open to persons who have been
17 issued a Class D permit under s. 29.193 (2).

18 **SECTION 7.** 29.089 (2) (intro.) of the statutes is amended to read:

19 29.089 (2) (intro.) No person may have in his or her possession or under his or
20 her control a firearm or airgun on land located in state fish hatcheries unless the
21 firearm or airgun is unloaded and enclosed within a carrying case. This subsection
22 does not apply to any of the following:

23 **SECTION 8.** 29.091 (1) of the statutes is amended to read:

24 29.091 (1) No person may hunt or trap within any wildlife refuge established
25 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession

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1 or control of any gun, firearm, airgun, bow, or crossbow unless the gun or firearm,
2 or airgun is unloaded, the bow or crossbow is unstrung, and the gun, firearm, airgun,
3 bow, or crossbow is enclosed within a carrying case. The taking of predatory game
4 birds and animals shall be done as the department directs. All state wildlife refuge
5 boundary lines shall be marked by posts placed at intervals of not over 500 feet and
6 bearing signs with the words "Wisconsin Wildlife Refuge".

7 **SECTION 9.** 29.091 (2) (intro.) of the statutes is amended to read:

8 29.091 (2) (intro.) The prohibition in sub. (1), as it relates to the possession or
9 control of a loaded or unencased gun or firearm, or airgun within a refuge
10 established under s. 23.09 (2) (b), does not apply to any of the following:

11 **SECTION 10.** 29.164 (2) (b) of the statutes is amended to read:

12 29.164 (2) (b) *Type of hunting authorized.* A license issued under this section
13 authorizes hunting with a firearm, airgun, bow and arrow, or crossbow.

14 **SECTION 11.** 29.173 (2) (a) of the statutes is amended to read:

15 29.173 (2) (a) A resident deer hunting license authorizes the hunting of deer
16 with a firearm, airgun, bow and arrow, or crossbow.

17 **SECTION 12.** 29.182 (3) (a) of the statutes is amended to read:

18 29.182 (3) (a) A resident elk hunting license authorizes a resident of this state
19 to hunt elk with a firearm, airgun, bow and arrow, or crossbow.

20 **SECTION 13.** 29.182 (3) (b) of the statutes is amended to read:

21 29.182 (3) (b) A nonresident elk hunting license authorizes a nonresident of
22 this state to hunt elk with a firearm, airgun, bow and arrow, or crossbow.

23 **SECTION 14.** 29.184 (3) (am) of the statutes is amended to read:

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1 29.184 (3) (am) *Evidence of bear hunting.* The fact that a person is observing
2 a bear while possessing a firearm or airgun is not sufficient evidence to prove that
3 the person holding the firearm or airgun is hunting bear.

4 **SECTION 15.** 29.184 (3) (c) of the statutes is amended to read:

5 29.184 (3) (c) *Type of hunting authorized.* A Class A bear license authorizes
6 hunting with a firearm, airgun, bow and arrow, or crossbow.

7 **SECTION 16.** 29.185 (6) (a) 1. of the statutes is amended to read:

8 29.185 (6) (a) 1. A firearm or airgun, as authorized under par. (b), a bow and
9 arrow, or a crossbow.

10 **SECTION 17.** 29.185 (6) (b) of the statutes is amended to read:

11 29.185 (6) (b) *Firearms and ammunition.* A wolf harvesting license authorizes
12 hunting with a rifle, a muzzle-loading firearm, a handgun, a shotgun that fires slugs
13 or shotshells, an airgun, and any other firearm that is loaded with a single slug or
14 ball. A wolf harvesting license authorizes hunting with shot that is larger than size
15 BB.

16 **SECTION 18.** 29.193 (2) (cr) 4. of the statutes is amended to read:

17 29.193 (2) (cr) 4. A person holding a current resident or nonresident deer
18 hunting license and a Class D permit may hunt deer of either sex with a firearm or
19 airgun only during a special season established by the department that is open for
20 hunting deer with firearms by disabled persons who hold a permit under this section.

21 **SECTION 19.** 29.193 (2) (d) of the statutes is amended to read:

22 29.193 (2) (d) *Assistance.* 1. A holder of a Class A or Class B permit may be
23 accompanied by a person who is not eligible to apply for a Class A or Class B permit.
24 The accompanying person may not hunt or carry a firearm, airgun, bow, or crossbow
25 unless that person has been issued the appropriate approval to do so. The assistance

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1 rendered by an accompanying person who has not been issued the appropriate
2 approval is limited to field dressing, tagging, and retrieving game for the permit
3 holder.

4 2. A holder of a Class C permit shall be accompanied by a person who is not
5 eligible to apply for a permit under this section. The accompanying person may not
6 hunt or carry a firearm, airgun, bow, or crossbow unless the person has been issued
7 the appropriate approval to do so. The assistance rendered by an accompanying
8 person may include sighting the firearm, airgun, bow, or crossbow, identifying the
9 game, and field dressing, tagging, and retrieving game for the permit holder.

10 3. A holder of a Class D permit may use an adaptive device, as authorized by
11 the department by rule, to facilitate the use of a firearm or an airgun and may be
12 accompanied by a person who is not eligible to apply for a permit under this section.
13 The accompanying person may not hunt or carry a firearm, airgun, bow, or crossbow
14 unless that person has been issued the appropriate approval to do so. The assistance
15 rendered by an accompanying person who has not been issued the appropriate
16 approval is limited to field dressing, tagging, and retrieving game for the permit
17 holder and any other assistance authorized by the department by rule.

18 **SECTION 20.** 29.211 (2) of the statutes is amended to read:

19 29.211 (2) AUTHORIZATION. A nonresident deer hunting license authorizes the
20 hunting of deer with a firearm, airgun, bow and arrow, or crossbow.

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

22 **29.304 (title) Restrictions on hunting and use of firearms and airguns**
23 **by persons under 16 years of age.**

24 **SECTION 22.** 29.304 (6) of the statutes is created to read:

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1 29.304 (6) RULES. The department may promulgate rules specifying the types
2 of airguns to which this section applies.

3 **SECTION 23.** 29.311 (1) of the statutes, as affected by 2021 Wisconsin Act 16,
4 is amended to read:

5 29.311 (1) No person may hunt waterfowl or coots with any firearm or airgun
6 using any shotshell classified by the federal government as toxic or harmful to
7 wildlife or the environment.

8 **SECTION 24.** 29.312 (2) of the statutes is amended to read:

9 29.312 (2) The department may not promulgate or enforce a rule that prohibits
10 a person from sighting a firearm or airgun on land owned or leased by that person
11 or a member of that person's immediate family during the 24-hour period prior to
12 the opening date for hunting deer with firearms in any area where there is an open
13 season for hunting deer with firearms.

14 **SECTION 25.** 29.314 (3) (a) of the statutes is amended to read:

15 29.314 (3) (a) *Prohibition.* No person may use or possess with intent to use a
16 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in
17 possession of a firearm, airgun, bow and arrow, or crossbow.

18 **SECTION 26.** 29.314 (3) (b) 4. of the statutes is amended to read:

19 29.314 (3) (b) 4. To the holder of a Class C permit issued under s. 29.193 (2) (c)
20 4. who uses a laser sighting device while hunting with a firearm, airgun, bow and
21 arrow, or crossbow.

22 **SECTION 27.** 29.314 (4) (a) of the statutes is amended to read:

23 29.314 (4) (a) *Prohibition.* No person may use or possess with intent to use a
24 light for shining wild animals while the person is hunting or in possession of a
25 firearm, airgun, bow and arrow, or crossbow.

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1 **SECTION 28.** 29.314 (4) (b) 4. of the statutes is amended to read:

2 29.314 (4) (b) 4. To the holder of a Class C permit issued under s. 29.193 (2) (c)
3 4. who uses a laser sighting device while hunting with a firearm, airgun, bow and
4 arrow, or crossbow.

5 **SECTION 29.** 29.314 (6m) of the statutes is created to read:

6 29.314 (6m) **RULES.** The department may promulgate rules specifying the
7 types of airguns to which the general restrictions under subs. (3) (a) and (4) (a) apply.

8 **SECTION 30.** 29.324 (1) (b) of the statutes is amended to read:

9 29.324 (1) (b) “Group deer hunting party” means 2 or more hunters hunting in
10 a group all using firearms or airguns, each of whom holds an individual license to
11 hunt deer.

12 **SECTION 31.** 29.324 (1) (d) of the statutes is amended to read:

13 29.324 (1) (d) “Youth deer license” means a license that is issued by the
14 department to a person who is under the age of 18 and that authorizes the hunting
15 of deer with a firearm or airgun.

16 **SECTION 32.** 29.341 (1) of the statutes is amended to read:

17 29.341 (1) Any person who, while hunting any wild animal or bird, discharges
18 a firearm, airgun, or arrow, and by that discharge injures or kills another person,
19 shall immediately give his or her name and address to the injured person, render
20 assistance to the injured person and obtain immediate medical or hospital care for
21 the injured person, and immediately report the injury or death to the sheriff or police
22 of the locality in which the shooting took place.

23 **SECTION 33.** 29.345 of the statutes is amended to read:

24 **29.345 Hunting, fishing or trapping accident; failure to report. (1)**

25 Every person who has caused or been involved in an accident in which a person has

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1 been injured by discharge of a firearm, airgun, or arrow while hunting, fishing, or
2 trapping, or inflicted an injury upon himself or herself with a firearm, airgun, or with
3 an arrow while hunting, fishing, or trapping, shall render a report to the department
4 at any of its field offices within 10 days after the injury unless the person is physically
5 incapable of making the required report, in which event the person or persons
6 involved in the accident shall designate an agent to file the report within the
7 specified time.

8 (2) Any person who is involved in an accident with a firearm, airgun, or arrow
9 while hunting, fishing, or trapping, and who fails to submit the report required by
10 this section, shall forfeit not more than \$50. In addition, the court may revoke any
11 license issued to the person under this chapter and may further provide that no
12 license shall be issued to the person under this chapter for a fixed period of time
13 specified by the court.

14 **SECTION 34.** 29.592 (1) (intro.) of the statutes is amended to read:

15 29.592 (1) (intro.) A person may hunt in this state without obtaining a
16 certificate of accomplishment under s. 29.591 and may, while hunting, possess or
17 control a firearm, or an airgun to which s. 29.304 applies under rules promulgated
18 by the department, if all of the following apply:

19 **SECTION 35.** 29.621 (4) (intro.) of the statutes is amended to read:

20 29.621 (4) PROTECTION. (intro.) Except as provided in s. 29.091 (1), no owner
21 of a wildlife refuge, and no other person, may hunt or trap within the boundaries of
22 any wildlife refuge or have in his or her possession or under his or her control in the
23 wildlife refuge a gun, firearm, airgun, bow, or crossbow, unless the gun or, firearm,
24 or airgun is unloaded, the bow or crossbow is unstrung, and the gun, firearm, airgun,
25 bow, or crossbow is enclosed within a carrying case. This subsection, as it relates to

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1 the possession or control of a loaded or unencased firearm or airgun, does not apply
2 to any of the following:

3 **SECTION 36.** 29.927 (6g) of the statutes is amended to read:

4 29.927 **(6g)** Any lamp, light, gun, firearm, airgun, ammunition, bow, crossbow,
5 bolt, or arrow used in violation of this chapter or s. 167.31 or any rules promulgated
6 under s. 167.31.

7 **SECTION 37.** 29.971 (12) of the statutes is amended to read:

8 29.971 **(12)** In addition to any other penalty for violation of this chapter or any
9 department order made under this chapter, the court may revoke any or all approvals
10 granted under this chapter for a period of up to 3 years. If a person is convicted of
11 reckless or highly negligent conduct in the operation or handling of a firearm, airgun,
12 or bow and arrow in violation of s. 940.08, 940.24, or 941.20 and either death or bodily
13 harm to another results from that violation, the court shall revoke every approval
14 issued to that person under this chapter and shall provide a fixed period during
15 which no new approval may be issued to the person. If no death or bodily harm to
16 another results from the violation, the court may revoke any approval issued to that
17 person under this chapter and may provide a fixed period during which no new
18 approval may be issued to the person.

19 **SECTION 38.** 66.0409 (1) (a) of the statutes is amended to read:

20 66.0409 **(1)** (a) "Firearm" has the meaning given in s. 167.31 (1) (c) and includes
21 an airgun, as defined in s. 29.001 (7).

22 **SECTION 39. Nonstatutory provisions.**

23 (1) The department of natural resources may use the procedure under s. 227.24
24 to promulgate emergency rules under ss. 29.014 (1u) (b), 29.304 (6), and 29.314 (6m)
25 for the period before the date on which permanent rules under ss. 29.014 (1u) (b),

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1 29.304 (6), and 29.314 (6m) take effect. Notwithstanding s. 227.24 (1) (c) and (2),
2 emergency rules promulgated under this subsection remain in effect until the
3 permanent rules take effect. Notwithstanding s. 227.24 (1) (a) and (3), the
4 department of natural resources is not required to provide evidence that
5 promulgating rules under this subsection as emergency rules is necessary for the
6 preservation of the public peace, health, safety, or welfare and is not required to
7 provide a finding of emergency for rules promulgated under this subsection.

8 **SECTION 40. Effective dates.** This act takes effect on March 1, 2022, except
9 as follows:

10 (1) The treatment of ss. 29.014 (1u) (b), 29.304 (6), and 29.314 (6m) and SECTION
11 39 (1) of this act take effect on the day after publication.

12

(END)