



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

**2013 Wisconsin Act 71
[2013 Assembly Bill 8]**

**Restrictions Imposed by Local
Governmental Units on Hunting
With a Bow and Arrow or Crossbow**

CURRENT LAW

Under current law, a local governmental unit¹ may not enact any ordinance or adopt any regulation, resolution, or other restriction for the purpose of regulating the hunting, fishing, trapping, or management of wild animals. [s. 29.038 (2) (intro.), Stats.] However, current law authorizes a local governmental unit to enact an ordinance or adopt a regulation, resolution, or other restriction that has an incidental effect on hunting, fishing, or trapping, if the primary purpose of the restriction is to further public health or safety. [s. 29.038 (3), Stats.] In addition, a local governmental unit is authorized to enact an ordinance or adopt a regulation, resolution, or other restriction that restricts or prohibits access for hunting, fishing, or trapping in any portion of land that it owns or leases. [s. 29.038 (2) (b), Stats.]

2013 WISCONSIN ACT 71

The Act generally prohibits a local governmental unit from enacting or adopting a restriction² that prohibits hunting with a bow and arrow or crossbow within the jurisdiction of that local governmental unit. The Act provides two exceptions. Under one exception, a local governmental unit may enact or adopt a restriction prohibiting hunting with a bow and arrow or crossbow within 100 yards of a building.³ Such a restriction must provide that it does not apply if the person who owns the land on which the building is located allows the hunter to hunt within the specified distance of the building. A

¹ A local governmental unit is defined under s. 16.97 (7), Stats., as “a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.”

² “Restriction” means an ordinance, regulation, resolution, or other restriction enacted or adopted by a local governmental unit.

³ “Building” means a permanent structure used for human occupancy and includes a manufactured home, as defined in s. 101.91 (2), Stats.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

second exception allows a local governmental unit to enact or adopt a restriction that requires a person who hunts with a bow and arrow or crossbow to discharge the arrow or bolt from the respective weapon toward the ground.

The Act does not affect the ability of a local governmental unit to restrict or prohibit access for hunting on land that the local governmental unit owns or leases. Furthermore, the Act does not affect the ability of a property owner to restrict or prohibit access for hunting on land that the individual owns.

Effective date: The Act took effect on December 14, 2013.

Prepared by: Michael Queensland, Staff Attorney

January 9, 2014

MQ:jb;ksm