Department of Natural Resources
AB 323 – Firearm in vehicles
Assembly Committee on Natural Resources
Wednesday, October 26, 2011 9:00 AM
417 North (GAR Hall)
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Current law prohibits most people from having or transporting uncased or loaded firearms, or uncased strung bows and crossbows, in most vehicles. For most vehicles, this has been the law in Wisconsin for over 90 years.

There are a currently a number of exceptions for certain individuals, such as for law enforcement officers, military and private security guards.

Over the years, there have been several additional exceptions created which allow loaded and/or uncased firearms in certain vehicles. One exception is for unloaded firearms on golf cart type vehicles used at sport shooting ranges located on private lands, when not being used for hunting. Another exception is for certain individuals with a disabled hunting permit to possess a loaded uncased firearm and to hunt & shoot from a stationary vehicle. The most recent exception is for handguns which effective Nov. 1 of this year may be loaded and uncased in any stationary or moving vehicles, except for commercial aircraft.

Motor Vehicles:

Under this bill, a person would be allowed to possess long guns such as rifles, shotguns and muzzleloaders in or on a vehicle in the following manner:

1. When a vehicle is in motion, long guns could be uncased, but must be unloaded.
2. When the vehicle is stationary, long guns could be both uncased and loaded.

Also, under this bill, uncased bows and crossbows could be possessed and transported in vehicles. However, Bows may not have an arrow nocked and a Crossbow may not be cocked, not EVEN in when the vehicle is stationary.

Boats:

Under current law, long guns possessed or transported in a motor boat while the motor is running must be unloaded; however they do not need to be cased. It is legal to have a loaded firearm in a boat when the motor is not running, and to shoot from a boat when the motor is not running. It is common for waterfowl hunters to hunt from stationary boat blinds in this manner.

Also under current law, Bows and Crossbows must be either unstrung or enclosed within a case when in a boat with the motor running.

There is an exception for bows and crossbows used for shooting or spearing rough fish.

Under this bill, a bow or crossbow could be strung and uncased in a boat while the motor is running; however, the bow may not have an arrow nocked and a crossbow may not be cocked. The exception for shooting rough fish will remain in place. An amendment to the Senate version of this bill allows an unloaded crossbow to be in the cocked position in a vehicle if the crossbow is encased.

Non-motorized Vehicles:

For purposes of s. 167.31, Stats., a "**VEHICLE**" includes "every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. This is a broad definition, which includes devices such as bikes, hay wagons and other trailers. Hunters frequently ask if they can use a hay wagon loaded with bales, or a blind constructed on a trailer, for deer hunting. Typically the desire is to have a blind which resembles something which deer are accustom to seeing in the field, and which is easy to move from one property to another, or from one part of a property to another.

While this bill would allow a hunter to have a loaded uncased rifle or shotgun on these stationary non-motorized devices, it will continue to be illegal to discharge any firearm, bow or crossbow from such devices, even when not connected to a motor vehicle.

The Conservation Congress through their annual spring meetings has asked our department to work with the legislature to obtain an exception in s. 167.31 to allow loaded uncased firearms and bows and the discharge of these weapons from a stationary non-motorized vehicle when being used for hunting. This bill could be used to accomplish that proposal.

At their April 2011 spring meetings, the public voted more than 2:1 in support of this proposed exception for non-motorized stationary vehicles used for hunting. Question 65. With a vote of 2,967 in support and 1,361 opposed. Passing in 70 counties.

An amendment to the Senate version of this bill allows a hunter to shoot from non-motorized stationary vehicle not attached to any motor vehicle.

Definition of Unloaded for Muzzleloaders:

Lastly, in recent years, a new type of muzzle-loader has been developed and is being marketed. It has a battery operated ELECTRONIC IGNITION system.

The problem that currently exists is that the definition of what UNLOADED means for the purposes of a Cap Lock and Flint Lock muzzle-loading firearm is defined under the definition section of s. 167.31, but what is considered unloaded for these new electronic ignition muzzleloaders is not defined. This bill, could be used to also clarify that at a minimum, the battery must be removed and disconnected from the muzzleloader. This way a person would not also be required to remove the ball and powder.

The companion bill SB 228 to this bill was passed by the Senate last week with an amendment that resolved these 2 issues.

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