

943.13 Trespass to land. (1) Whoever does any of the following is subject to a Class B forfeiture:

(a) Enters any enclosed or cultivated land of another with intent to catch or kill any birds, animals, or fish on the land or gather any products of the soil without the express or implied consent of the owner or occupant to engage in any of those activities.

(b) Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.

(c) Hunts, shoots, fishes or gathers any product of the soil on the premises of another, or enters said premises with intent to do any of the foregoing after having been notified by the owner or occupant not to do so.

(d) Enters any enclosed or cultivated land of another with a vehicle of any kind without the express or implied consent of the owner or occupant.

(2) A person has received notice from the owner or occupant within the meaning of this section if he or she has been notified personally, either orally or in writing, or if the land is posted. Land is considered to be posted under this subsection under either of the following procedures:

(a) If a sign at least 11 inches square is placed in at least 2 conspicuous places for every 40 acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as provided in this paragraph were erected or in existence upon the premises to be protected within 6 months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as provided in this paragraph.

(b) If markings in blaze orange and at least one foot long, including in a contrasting color the phrase "private land" and the name of the owner, are made in at least 2 conspicuous places for every 40 acres to be protected.

(3) Whoever erects on the land of another signs which are the same as or similar to those described in sub. (2) without obtaining the express consent of the lawful occupant or holder of legal title to such land is subject to a Class C forfeiture.

(4) Nothing in this section shall prohibit a representative of a labor union from conferring with any employe provided such conference is conducted in the living quarters of the employe and with the consent of the employe occupants.

(4m) This section does not apply to any of the following:

(a) A person entering the premises, other than the residence or other buildings or the curtilage of the residence or

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other buildings, of another for the purpose of removing a wild animal as authorized under s. 29.59 (2), (3) or (4).

(b) A hunter entering land that is required to be open for hunting under s. 29.59 (4m) or 29.598 (7m).

(5) Any authorized occupant of employer-provided housing shall have the right to decide who may enter, confer and visit with him in the housing area he occupies.

History: 1971 c. 317; 1977 c. 173, 295; 1979 c. 32; 1983 a. 418; 1987 a. 27; 1989 a. 31.

Arrest of abortion protesters trespassing at clinic didn't violate free speech right. *State v. Horn*, 139 W (2d) 473, 407 NW (2d) 854 (1987).

NR 10.07 (8), 1979 Wis. Adm. Code [now NR 10.07 (1) (f)], Wis. Adm. Code, requiring hunters to make reasonable efforts to retrieve game birds killed or injured, does not exempt a person from criminal prosecution under (1) (b) for trespassing upon posted lands to retrieve birds shot from outside the posted area. 64 Atty. Gen. 204.