
Wisconsin Legislative Council

ACT MEMO



Prepared by: Ethan Lauer, Senior Staff Attorney, and Abby Moe, Legal Intern

July 12, 2021

2021 Wisconsin Act 62
[2021 Assembly Bill 163]

**Disposing of Beaver or Muskrat
Causing Damage to Highway**

BACKGROUND

Subject to certain exceptions, a person is prohibited from discharging a firearm or shooting an arrow or bolt from a bow or crossbow from or across a highway¹ or within 50 feet of the center of a roadway.²

State law also provides that the Department of Natural Resources (DNR) may remove³ or authorize the removal of an animal causing “damage,” which under prior law meant **harm** to certain crops, livestock, or structures, including roads. However, under prior law, DNR was prevented from doing so if the removal would violate the prohibition on the use of a firearm described above.

2021 WISCONSIN ACT 62

2021 Wisconsin Act 62 creates an additional exception to the prohibition on the use of a firearm near a roadway. Specifically, the act authorizes DNR, or an agent of a city, village, town, or county who is authorized by DNR, to discharge a firearm within 50 feet of the center of a roadway to dispose of a beaver or muskrat that is causing damage to a highway in which the roadway is located, if the firearm discharge does not pose a threat to public safety.

The act also clarifies that “damage” means **physical harm** and that the type of damage which can justify removal includes flood and culvert blockages caused by a beaver or muskrat.

Effective date: July 10, 2021

EL:AM:ksm

¹ “Highway” means all public ways and thoroughfares, including the entire width between boundary lines. Private roads and driveways are not included. [s. 340.01 (22), Stats.]

² “Roadway” means the portion of a highway between curb lines or the portion which is designed or ordinarily used for vehicular travel. [s. 340.01 (54), Stats.]

³ “Remove” means capture, shoot, trap, relocate, or otherwise destroy or dispose of. [s. 29.885 (1) (e), Stats.]