

# **CHAPTER 943**

## **CRIMES AGAINST PROPERTY**

### **SUBCHAPTER II**

#### **TRESPASS**

943.13943.13 Trespass to land.

943.13(1e)(1e) In this section:

943.13(1e)(aL)(aL) "Carry" has the meaning given in s. 175.60 (1) (ag).

943.13(1e)(ar)(ar) "Dwelling unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

943.13(1e)(az)(az) "Implied consent" means conduct or words or both that imply that an owner or occupant of land has given consent to another person to enter the land.

943.13(1e)(b)(b) "Inholding" means a parcel of land that is private property and that is surrounded completely by land owned by the United States, by this state or by a local governmental unit or any combination of the United States, this state and a local governmental unit.

943.13(1e)(bm)(bm) "Licensee" means a licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as defined in s. 175.60 (1) (g).

943.13(1e)(c)(c) "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of the political subdivision or special purpose district or a combination or subunit of any of the foregoing.

943.13(1e)(cm)(cm) "Nonresidential building" includes a nursing home as defined in s. 50.01 (3), a community-based residential facility as defined in s. 50.01 (1g), a residential care apartment complex as defined in s. 50.01 (6d), an adult family home as defined in s. 50.01 (1), and a hospice as defined in s. 50.90 (1).

943.13(1e)(cr)(cr) "Open land" means land that meets all of the following criteria:

943.13(1e)(cr)1.1. The land is not occupied by a structure or improvement being used or occupied as a dwelling unit.

943.13(1e)(cr)2.2. The land is not part of the curtilage, or is not lying in the immediate vicinity, of a structure or improvement being used or occupied as a dwelling unit.

943.13(1e)(cr)3.3. The land is not occupied by a public building.

943.13(1e)(cr)4.4. The land is not occupied by a place of employment.

943.13(1e)(cv)(cv) "Out-of-state licensee" has the meaning given in s. 175.60 (1) (g).

943.13(1e)(d)(d) "Place of employment" has the meaning given in s. 101.01 (11).

943.13(1e)(e)(e) "Private property" means real property that is not owned by the United States, this state or a local governmental unit.

943.13(1e)(h)(h) "Special event" means an event that is open to the public, is for a duration of not more than 3 weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission.

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

943.13(1m)(a)(a) Enters any enclosed, cultivated or undeveloped land of another, other than open land specified in par. (e) or (f), without the express or implied consent of the owner or occupant.

943.13(1m)(am)(am) Enters any land of another that is occupied by a structure used for agricultural purposes without the express or implied consent of the owner or occupant.

943.13(1m)(b)(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. This paragraph does not apply to a licensee or out-of-state licensee if the owner's or occupant's intent is to prevent the licensee or out-of-state licensee from carrying a firearm on the owner's or occupant's land.

943.13(1m)(c)(c)

943.13(1m)(c)1.1. While carrying a firearm, enters or remains at a residence that the actor does not own or occupy after the owner of the residence, if he or she has not leased it to another person, or the occupant of the residence has notified the actor not to enter or remain at the residence while carrying a firearm or with that type of firearm. In this subdivision, "residence," with respect to a single-family residence, includes the residence building and the parcel of land upon which the residence building is located, and "residence," with respect to a residence that is not a single-family residence, does not include any common area of the building in which the residence is located or any common areas of the rest of the parcel of land upon which the residence building is located.

943.13(1m)(c)1m.1m. While carrying a firearm, enters or remains in a common area in a building, or on the grounds of a building, that is a residence that is not a single-family residence if the actor does not own the residence or does not occupy any part of the residence, if the owner of the residence has notified the actor not to enter or remain in the common area or on the grounds while carrying a firearm or with that type of firearm. This subdivision does not apply to a part of the grounds of the building if that part is used for parking and the firearm is in a vehicle driven or parked in that part.

943.13(1m)(c)2.2. While carrying a firearm, enters or remains in any part of a nonresidential building, grounds of a nonresidential building, or land that the actor does not own or occupy after the owner of the building, grounds, or land, if that part of the building, grounds, or land has not been leased to another person, or the occupant of that part of the building, grounds, or land has notified the actor not to enter or remain in that part of the building, grounds, or land while carrying a firearm or with that type of firearm. This subdivision does not apply to a part of a building, grounds, or land occupied by the state or by a local governmental unit, to a privately or publicly owned building on the grounds of a university or college, or to the grounds of or land owned or occupied by a university or college, or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of a building, grounds, or land used as a parking facility.

943.13(1m)(c)3.3. While carrying a firearm, enters or remains at a special event if the organizers of the special event have notified the actor not to enter or remain at the special event while carrying a firearm or with that type of firearm. This subdivision does not apply, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the special event grounds or building used as a parking facility.

943.13(1m)(c)4.4. While carrying a firearm, enters or remains in any part of a building that is owned, occupied, or controlled by the state or any local governmental unit, excluding any building or portion of a building under s. 175.60 (16) (a), if the state or local governmental unit has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. This subdivision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility.

943.13(1m)(c)5.5. While carrying a firearm, enters or remains in any privately or publicly owned building on the grounds of a university or college, if the university or college has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. This subdivision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility.

943.13(1m)(e)(e) Enters or remains on open land that is an inholding of another after having been notified by the owner or occupant not to enter or remain on the land.

943.13(1m)(f)(f) Enters undeveloped private land from an abutting parcel of land that is owned by the United States, this state or a local governmental unit, or remains on such land, after having been notified by the owner or occupant not to enter or remain on the land.

943.13(1s)(1s) In determining whether a person has implied consent to enter the land of another a trier of fact shall consider all of the circumstances existing at the time the person entered the land, including all of the following:

943.13(1s)(a)(a) Whether the owner or occupant acquiesced to previous entries by the person or by other persons under similar circumstances.

943.13(1s)(b)(b) The customary use, if any, of the land by other persons.

943.13(1s)(c)(c) Whether the owner or occupant represented to the public that the land may be entered for particular purposes.

943.13(1s)(d)(d) The general arrangement or design of any improvements or structures on the land.

943.13(2)(2)

943.13(2)(am)(am) A person has received notice from the owner or occupant within the meaning of sub. (1m) (b), (e) or (f) 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 paragraph under either of the following procedures:

943.13(2)(am)1.1. 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 provide 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 subdivision were erected or in existence upon the premises to be protected prior to the event complained of shall be prima facie proof that the premises to be protected were posted as provided in this subdivision.

943.13(2)(am)2.2. If markings 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.

943.13(2)(bm)(bm)

943.13(2)(bm)1.1. In this paragraph, "sign" means a sign that states a restriction imposed under subd. 2. that is at least 5 inches by 7 inches.

943.13(2)(bm)2.2.

943.13(2)(bm)2.a.a. For the purposes of sub. (1m) (c) 1m., an owner of a residence that is not a single-family residence has notified an individual not to enter or remain in a part of that building, or on the grounds of that building, while carrying a firearm or with a particular type of firearm if the owner has posted a sign that is located in a prominent place near all of the entrances to the part of the building to which the restriction applies or near all probable access points to the grounds to which the restriction applies and any individual entering the building or the grounds can be reasonably expected to see the sign.

943.13(2)(bm)2.am.am. For the purposes of sub. (1m) (c) 2., 4., and 5., an owner or occupant of a part of a nonresidential building, the state or a local governmental unit, or a university or a college has notified an individual not to enter or remain in a part of the building while carrying a firearm or with a particular type of firearm if the owner, occupant, state, local governmental unit, university, or college has posted a sign that is located in a prominent place near all of the entrances to the part of the building to which the restriction applies and any individual entering the building can be reasonably expected to see the sign.

943.13(2)(bm)2.b.b. For the purposes of sub. (1m) (c) 2., an owner or occupant of the grounds of a nonresidential building or of land has notified an individual not to enter or remain on the grounds or land while carrying a firearm or with a particular type of firearm if the owner or occupant has posted a sign that is located in a prominent place near all probable access points to the grounds or land to which the restriction applies and any individual entering the grounds or land can be reasonably expected to see the sign.

943.13(2)(bm)2.c.c. For the purposes of sub. (1m) (c) 3., the organizers of the special event have notified an individual not to enter or remain at the special event while carrying a firearm or with a particular type of firearm if the organizers have posted a sign that is located in a prominent place near all of the entrances to the special event and any individual attending the special event can be reasonably expected to see the sign.

943.13(3)(3) Whoever erects on the land of another signs which are the same as or similar to those described in sub. (2) (am) without obtaining the express consent of the lawful occupant of or holder of legal title to such land is subject to a Class C forfeiture.

943.13(3m)(3m) An owner or occupant may give express consent to enter or remain on the land for a specified purpose or subject to specified conditions and it is a violation of sub. (1m) (a) or (am) for a person who received that consent to enter or remain on the land for another purpose or contrary to the specified conditions.

943.13(4)(4) Nothing in this section shall prohibit a representative of a labor union from conferring with any employee provided such conference is conducted in the living quarters of the employee and with the consent of the employee occupants.

943.13(4m)(4m)

943.13(4m)(am)(am) This section does not apply to any of the following:

943.13(4m)(am)1.1. A person entering the land, other than the residence or other buildings or the curtilage of the residence or other buildings, of another for the purpose of removing a wild animal as authorized under s. 29.885 (2), (3) or (4).

943.13(4m)(am)2.2. A hunter entering land that is required to be open for hunting under s. 29.885 (4m) or 29.889 (7m).

943.13(4m)(am)3.3. A person entering or remaining on any exposed shore area of a stream as authorized under s. 30.134.

943.13(4m)(am)4.4. An assessor and an assessor's staff entering the land, other than a building, agricultural land or pasture, or a livestock confinement area, of another if all of the following apply:

943.13(4m)(am)4.a.a. The assessor or the assessor's staff enters the land in order to make an assessment on behalf of the state or a political subdivision.

943.13(4m)(am)4.b.b. The assessor or assessor's staff enters the land on a weekday during daylight hours, or at another time as agreed upon with the land owner.

943.13(4m)(am)4.c.c. The assessor or assessor's staff spends no more than one hour on the land.

943.13(4m)(am)4.d.d. The assessor or assessor's staff does not open doors, enter through open doors, or look into windows of structures on the land.

943.13(4m)(am)4.e.e. The assessor or the assessor's staff leaves in a prominent place on the principal building on the land, or on the land if there is not a principal building, a notice informing the owner or occupant that the assessor or the assessor's staff entered the land and giving information on how to contact the assessor.

943.13(4m)(am)4.f.f. The assessor or the assessor's staff has not personally received a notice from the owner or occupant, either orally or in writing, not to enter or remain on the premises.

943.13(4m)(bm)(bm) Subsection (1m) (c) 2. and 4. does not apply to a law enforcement officer employed in this state by a public agency to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies, to a qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies, or to a former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23 (2) (c) 1. to 7. applies if the law enforcement officer, the qualified out-of-state law enforcement officer, or the former officer is in or on the grounds of a school, as defined in s. 948.61 (1) (b).

943.13(5)(5) Any authorized occupant of employer-provided housing shall have the right to decide who may enter, confer and visit with the occupant in the housing area the occupant occupies.

943.13 HistoryHistory: 1971 c. 317; 1977 c. 173, 295; 1979 c. 32; 1983 a. 418; 1987 a. 27; 1989 a. 31; 1993 a. 342, 486; 1995 a. 45, 451; 1997 a. 248; 1999 a. 9; 2003 a. 33; 2009 a. 68; 2011 a. 35; 2013 a. 162; 2013 a. 165 s. 114; 2013 a. 166 ss. 76, 77; 2015 a. 23.

943.13 AnnotationThe arrest of abortion protesters trespassing at a clinic did not violate their free speech rights. *State v. Horn*, 139 Wis. 2d 473, 407 N.W.2d 854 (1987).

943.13 AnnotationAdministrative code provisions requiring hunters to make reasonable efforts to retrieve game birds killed or injured do not exempt a person from criminal prosecution under sub. (1) (b) [now sub. (1m) (b)] for trespassing upon posted lands to retrieve birds shot from outside the posted area. 64 Atty. Gen. 204.

943.14943.14 Criminal trespass to dwellings.

943.14(1)(1) In this section, "dwelling" means a structure or part of a structure that is used or intended to be used as a home or residence by one or more persons to the exclusion of all others. For the purposes of this section, a dwelling meets that definition regardless of whether the dwelling is currently occupied by a resident.

943.14(2)(2) Whoever intentionally enters or remains in the dwelling of another without the consent of some person lawfully upon the premises or, if no person is lawfully upon the premises, without the consent of the owner of the property that includes the dwelling, under circumstances tending to create or provoke a breach of the peace, is guilty of a Class A misdemeanor.

943.14 HistoryHistory: 1977 c. 173; 2015 a. 176.

943.14 AnnotationCriminal trespass to a dwelling is not a lesser included offense of burglary. *Raymond v. State*, 55 Wis. 2d 482, 198 N.W.2d 351 (1972).

943.14 Annotation Regardless of any ownership rights in the property, if a person enters a dwelling that is another's residence, without consent, this section is violated. State v. Carls, 186 Wis. 2d 533, 521 N.W.2d 181 (Ct. App. 1994).

943.14 Annotation Entering an outbuilding accessory to a main house may be a violation. 62 Atty. Gen. 16.

943.143943.143 Criminal trespass to an energy provider property.

943.143(1)(1) In this section:

943.143(1)(a)(a) "Energy provider" means any of the following:

943.143(1)(a)1.1. A public utility under s. 196.01 (5) (a) that is engaged in any of the following:

943.143(1)(a)1.a.a. The production, transmission, delivery, or furnishing of heat, power, light, or water.

943.143(1)(a)1.b.b. The transmission or delivery of natural gas.

943.143(1)(a)2.2. A transmission company under s. 196.485 (1) (ge).

943.143(1)(a)3.3. A cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, power, or water for its members.

943.143(1)(a)4.4. A wholesale merchant plant under s. 196.491 (1) (w), except that "wholesale merchant plant" includes an electric generating facility or an improvement to an electric generating facility that is subject to a leased generation contract, as defined in s. 196.52 (9) (a) 3.

943.143(1)(a)5.5. A decommissioned nuclear power plant.

943.143(1)(a)6.6. A company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, water, or chemical generation, storage transportation, or delivery system that is not a service station, garage, or other place where gasoline or diesel fuel is sold at retail or offered for sale at retail.

943.143(1)(b)(b) "Energy provider property" means property that is part of an electric, natural gas, oil, petroleum, refined petroleum product, renewable fuel, water, or chemical generation, transmission, or distribution system and that is owned, leased, or operated by an energy provider.

943.143(2)(2) Whoever intentionally enters an energy provider property without lawful authority and without the consent of the energy provider that owns, leases, or operates the property is guilty of a Class H felony.

943.143(3)(3) This section does not apply to any of the following:

943.143(3)(a)(a) Any person who is:

943.143(3)(a)1.1. Monitoring compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements.

943.143(3)(a)2.2. Engaging in picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute including any controversy concerning any of the following: wages or salaries; hours; working conditions; benefits, including welfare, sick leave, insurance, pension or retirement provisions; or the managing or maintenance of collective bargaining agreements and the terms to be included in those agreements.

943.143(3)(a)3.3. Engaging in union organizing or recruitment activities that are otherwise lawful including attempting to reach workers verbally, in writing, and in the investigation of non-union working conditions.

943.143(3)(b)(b) An exercise of a person's right of free speech or assembly that is otherwise lawful.

943.143 History History: 2015 a. 158; 2019 a. 33.

943.145943.145 Criminal trespass to a medical facility.

943.145(1)(1) In this section, "medical facility" means a hospital under s. 50.33 (2) or a clinic or office that is used by a physician licensed under ch. 448 and that is subject to rules promulgated by the medical examining board for the clinic or office that are in effect on November 20, 1985.

943.145(2)(2) Whoever intentionally enters a medical facility without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace, is guilty of a Class B misdemeanor.

943.145(3)(3) This section does not prohibit any person from participating in lawful conduct in labor disputes under s. 103.53.

943.145 History History: 1985 a. 56.

943.145 Annotation This provision is constitutional. *State v. Migliorino*, 150 Wis. 2d 513, 442 N.W.2d 36 (1989).

943.15 943.15 Entry onto a construction site or into a locked building, dwelling or room.

943.15(1)(1) Whoever enters the locked or posted construction site or the locked and enclosed building, dwelling or room of another without the consent of the owner or person in lawful possession of the premises is guilty of a Class A misdemeanor.

943.15(1m)(1m) This section does not apply to an assessor and an assessor's staff entering the construction site, other than buildings, of another if all of the following apply:

943.15(1m)(a)(a) The assessor or the assessor's staff enters the construction site in order to make an assessment on behalf of the state or a political subdivision.

943.15(1m)(b)(b) The assessor or assessor's staff enters the construction site on a weekday during daylight hours, or at another time as agreed upon by the land owner.

943.15(1m)(c)(c) The assessor or assessor's staff spends no more than one hour on the construction site.

943.15(1m)(d)(d) The assessor or assessor's staff does not open doors, enter through open doors, or look into windows of structures on the construction site.

943.15(1m)(e)(e) The assessor or the assessor's staff leaves in a prominent place on the principal building at the construction site, or on the land if there is not a principal building, a notice informing the owner or occupant that the assessor or the assessor's staff entered the construction site and giving information on how to contact the assessor.

943.15(1m)(f)(f) The assessor or the assessor's staff has not personally received a notice from the owner or occupant, either orally or in writing, not to enter or remain on the premises.

943.15(2)(2) In this section:

943.15(2)(a)(a) "Construction site" means the site of the construction, alteration, painting or repair of a building, structure or other work.

943.15(2)(b)(b) "Owner or person in lawful possession of the premises" includes a person on whose behalf a building or dwelling is being constructed, altered, painted or repaired and the general contractor or subcontractor engaged in that work.

943.15(2)(c)(c) "Posted" means that a sign at least 11 inches square must be 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 on which the construction site is located 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.

943.15 History History: 1981 c. 68; 2009 a. 68.

<https://docs.legis.wisconsin.gov/statutes/statutes/943/II/13>