

# State of Wisconsin



1995 Senate Bill 597

Date of enactment: **June 27, 1996**  
Date of publication\*: **July 10, 1996**

## 1995 WISCONSIN ACT 461

(Vetoed in Part)

AN ACT *to repeal* 111.335 (1) (cm), 134.59 (title), (1) and (3) and 440.26 (7) (title); *to renumber* 440.26 (2) (b); *to renumber and amend* 134.59 (2), 440.26 (1), 440.26 (1m), 440.26 (2) (c), 440.26 (5), 440.26 (6), 440.26 (7) (a) and 440.26 (8); *to amend* 114.103 (1) (c), subchapter II (title) of chapter 440 [precedes 440.26], 440.26 (2) (a) 1., 440.26 (2) (a) 2., 440.26 (3), 440.26 (4), 440.26 (5) (title), 940.34 (2) (c) 1. and 941.237 (1) (em); *to repeal and recreate* 440.26 (2) (a) (intro.); and *to create* 20.165 (1) (gm), 111.335 (1) (cg), 440.08 (2) (a) 14c. and 14e., 440.08 (2) (a) 41L. and 41p., 440.08 (2) (a) 60L. and 60p., 440.08 (2) (a) 63g., 440.26 (1) (a) 5. to 10., 440.26 (1) (b), 440.26 (1m) (a) to (g), 440.26 (2) (a) 3. to 8., 440.26 (2) (b) 2., 440.26 (2) (c) 3., 440.26 (3m), 440.26 (4e), 440.26 (4m), 440.26 (4s), 440.26 (5m) and (5r), 440.26 (6) (a) 4., 440.26 (6) (b), 440.26 (7m) and 440.26 (8) (b) of the statutes; **relating to: the regulation of armored transport services, armored transport service persons, locksmith agencies, locksmiths, private alarm contractor agencies and private alarm contractors; the requirements that a person must satisfy to be eligible for a private detective license, a private detective agency license, a private security permit or a license to supply private security personnel; transferring the authority to issue private security permits for private security persons from local law enforcement authorities to the department of regulation and licensing; granting rule-making authority; making an appropriation; and providing a penalty.**

Vetoed  
In Part

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 20.165 (1) (gm) of the statutes is created to read:

20.165 (1) (gm) *Criminal record search fee reimbursement.* All moneys received from applicants for licenses or permits under subch. II of ch. 440 as reimbursement to the department of regulation and licensing for fees or other expenses relating to criminal record searches, for the purpose of conducting criminal record searches.

**SECTION 2.** 111.335 (1) (cg) of the statutes is created to read:

111.335 (1) (cg) 1. Notwithstanding s. 111.322, it is not employment discrimination because of conviction re-

cord to deny or refuse to renew a license or permit under s. 440.26 to a person who has been convicted of a felony and has not been pardoned for that felony.

2. Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to revoke a license or permit under s. 440.26 (6) (b) if the person holding the license or permit has been convicted of a felony and has not been pardoned for that felony.

3. Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to refuse to employ a person in a business licensed under s. 440.26 or as an employe specified in s. 440.26 (5) (b) if the person has been convicted of a felony and has not been pardoned for that felony.

**SECTION 3.** 111.335 (1) (cm) of the statutes is repealed.

Vetoed  
In Part

\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 4. 114.103 (1) (c) of the statutes is amended to read:

114.103 (1) (c) "Private security person" has the meaning given in s. 440.26 (1m) (h), but does not include any law enforcement officer.

**Vetoed In Part** SECTION 5. 134.59 (title), (1) and (3) of the statutes are repealed.

SECTION 6. 134.59 (2) of the statutes is renumbered 440.26 (4e) (c) and amended to read:

440.26 (4e) (c) ~~No person engaged in the business of installing burglar alarms private alarm contractor agency, private alarm contractor or employe of a private alarm contractor agency or private alarm contractor may intentionally allow a felon who has not been pardoned to have access to individual burglar alarm system installation records.~~

SECTION 7. 440.08 (2) (a) 14c. and 14e. of the statutes are created to read:

440.08 (2) (a) 14c. Armored transport service: September 1 of each even-numbered year; \$41.

14e. Armored transport service person: September 1 of each even-numbered year; \$41.

SECTION 8. 440.08 (2) (a) 41L. and 41p. of the statutes are created to read:

440.08 (2) (a) 41L. Locksmith: September 1 of each even-numbered year; \$41.

41p. Locksmith agency: September 1 of each even-numbered year; \$41.

SECTION 9. 440.08 (2) (a) 60L. and 60p. of the statutes are created to read:

440.08 (2) (a) 60L. Private alarm contractor: September 1 of each even-numbered year; \$41.

60p. Private alarm contractor agency: September 1 of each even-numbered year; \$41.

SECTION 10. 440.08 (2) (a) 63g. of the statutes is created to read:

440.08 (2) (a) 63g. Private security person: September 1 of each even-numbered year; \$41.

SECTION 11. Subchapter II (title) of chapter 440 [precedes 440.26] of the statutes is amended to read:

**CHAPTER 440**

**SUBCHAPTER II**

**PRIVATE DETECTIVES,**

**PRIVATE SECURITY PERSONS,**

**ARMORED TRANSPORT SERVICE**

**PERSONS, LOCKSMITHS AND**

**PRIVATE ALARM CONTRACTORS**

**Vetoed In Part**

SECTION 12. 440.26 (1) of the statutes is renumbered 440.26 (1) (a) (intro.) and amended to read:

440.26 (1) (a) (intro.) No person may advertise do any of the following unless he or she has a license or permit issued under this section:

1. Advertise, solicit or engage in the business of operating a private detective agency, ~~or act,~~

2. Act as a private detective, investigator, special investigator or private security person, ~~or act,~~

3. Act as a supplier of private security personnel, ~~or solicit,~~

4. Solicit business or perform any other type of service or investigation as a private detective or private security person, ~~or receive,~~

11. Receive any fees or compensation for acting as such, without first filing an application and the necessary bond or liability policy with the department and being issued a license or a permit under this section. No person may be so licensed unless the person is over 18 years of age any person, engaging in any business or performing any service specified in subds. 1. to 10.

SECTION 13. 440.26 (1) (a) 5. to 10. of the statutes are created to read:

440.26 (1) (a) 5. Advertise, solicit or engage in the business of operating an armored transport service.

6. Act as an armored transport service person.

7. Advertise, solicit or engage in the business of operating a locksmith agency.

8. Act as a locksmith.

9. Advertise, solicit or engage in the business of operating a private alarm contractor agency.

10. Act as a private alarm contractor.

SECTION 14. 440.26 (1) (b) of the statutes is created to read:

440.26 (1) (b) The department may promulgate rules specifying activities in which a person may engage without obtaining a license or permit under this section.

SECTION 15. 440.26 (1m) of the statutes is renumbered 440.26 (1m) (intro.) and amended to read:

440.26 (1m) (title) ~~DEFINITION DEFINITIONS.~~ (intro.) In this section, ~~"private;~~

(h) "Private security person" or "private security personnel" means any private police, guard or any person who stands watch for security purposes.

SECTION 16. 440.26 (1m) (a) to (g) of the statutes are created to read:

440.26 (1m) (a) "Armored transport service" means an individual, partnership, limited liability company or corporation that acts as or employs an armored transport service person.

(b) "Armored transport service person" means a person engaged in the business of transporting valuables, including currency, documents, papers, maps, negotiable instruments, securities, jewelry or works of art, in a manner that provides or that is primarily intended or designed to provide a high degree of security to the valuables being transported.

(c) "Burglar alarm system" means a system, including an electronic access system or other electronic security system, that activates an audible, visible or remote signal that requires a response and that is designed for the prevention or detection of intrusion, entry, theft, vandalism or trespass.

(d) "Locksmith" means a person engaged in the business of servicing, installing, originating first keys,

**Vetoed In Part**

**Vetoed In Part**

**Vetoed In Part** recoding, recombining, manipulating or bypassing any of the following:

1. A mechanical or electronic security device that is used to control access to or exit from premises, motor vehicles, safes, vaults, safe deposit boxes, automatic teller machines or other areas to which access is intended to be limited.

2. A detection device, including burglar and motor vehicle alarms and closed circuit television.

(e) "Locksmith agency" means an individual, partnership, limited liability company or corporation that acts as or employs a locksmith.

(f) "Private alarm contractor" means a person engaged in the business of selling, installing, monitoring, maintaining, altering, repairing, replacing, servicing or responding to security alarm systems, including burglar alarm systems, that are installed at a premises protected on an emergency basis. "Private alarm contractor" does not include a person engaged solely in the manufacture or sale of security alarm systems at his or her place of business or a person engaged solely in supplying private security personnel to patrol a protected premises.

(g) "Private alarm contractor agency" means an individual, partnership, limited liability company or corporation that acts as or employs a private alarm contractor.

**SECTION 17.** 440.26 (2) (a) (intro.) of the statutes is repealed and recreated to read:

440.26 (2) (a) *Types of licenses.* (intro.) The department may do any of the following:

**SECTION 18.** 440.26 (2) (a) 1. of the statutes is amended to read:

440.26 (2) (a) 1. -A- Issue a private detective agency license to an individual, partnership, limited liability company or corporation that meets the qualifications specified under par. (c). The department may not issue a license under this subdivision unless the individual, the members or each member of a partnership or limited liability company and the officers or officer or directors director of a corporation, having a private detective agency license, are not required to have a private detective license unless who is actually engaged in the work of a private detective is issued a private detective license under this section.

**SECTION 19.** 440.26 (2) (a) 2. of the statutes is amended to read:

440.26 (2) (a) 2. -A- Issue a private detective license to an individual who meets the qualifications specified under par. (c) if the individual is an owner, coowner or employe of a licensed private detective agency required to be licensed under this section.

**Vetoed In Part** **SECTION 20.** 440.26 (2) (a) 3. to 8. of the statutes are created to read:

440.26 (2) (a) 3. Issue an armored transport service license to an individual, partnership, limited liability company or corporation that meets the qualifications specified under par. (c). The department may not issue

a license under this subdivision unless the individual or each member of the partnership or limited liability company or officer or director of the corporation who is actually engaged in the work of an armored transport service person is issued an armored transport service person license under this section.

4. Issue an armored transport service person license to an individual who meets the qualifications specified under par. (c) if the individual is an owner, coowner or employe of an armored transport service required to be licensed under this section.

5. Issue a locksmith agency license to an individual, partnership, limited liability company or corporation that meets the qualifications specified under par. (c). The department may not issue a license under this subdivision unless the individual or each member of the partnership or limited liability company or officer or director of the corporation who is actually engaged in the work of a locksmith is issued a locksmith license under this section.

6. Issue a locksmith license to an individual who meets the qualifications specified under par. (c) if the individual is an owner, coowner or employe of a locksmith agency required to be licensed under this section.

7. Issue a private alarm contractor agency license to an individual, partnership, limited liability company or corporation that meets the qualifications specified under par. (c). The department may not issue a license under this subdivision unless the individual or each member of the partnership or limited liability company or officer or director of the corporation who is actually engaged in the work of a private alarm contractor is issued a private alarm contractor license under this section.

8. Issue a private alarm contractor license to an individual who meets the qualifications specified under par. (c) if the individual is an owner, coowner or employe of a private alarm contractor agency required to be licensed under this section.

**SECTION 21.** 440.26 (2) (b) of the statutes is renumbered 440.26 (2) (b) 1.

**SECTION 22.** 440.26 (2) (b) 2. of the statutes is created to read:

440.26 (2) (b) 2. The department may require that an applicant provide any information which the department determines is reasonably necessary to determine whether the applicant meets the requirements of this section and rules promulgated under this section or to establish the truth of the facts set forth in the application. The department may also require under this subdivision that an applicant complete forms provided by the department of justice and the federal bureau of investigation.

**SECTION 23.** 440.26 (2) (c) of the statutes is renumbered 440.26 (2) (c) 1. and amended to read:

440.26 (2) (c) 1. The Subject to subds. 2. and 3., the department shall prescribe, by rule, such qualifications as it deems appropriate, with due regard to investigative experience, special professional education and training and

**Vetoed In Part**

other factors bearing on professional competence. Subject to ss. 111.321, 111.322 and 111.335, no person

2. An individual who has been convicted in this state or elsewhere of a felony and who has not been pardoned for that felony is not eligible for a license for 5 years

**Vetoed In Part** thereafter under this section. A private detective agency, armored transport service, locksmith agency or private alarm contractor agency that is a partnership, limited liability company or corporation is not eligible for a license under this section if any member of the partnership or limited liability company or any officer or director of the corporation has been convicted in this state or elsewhere of a felony and has not been pardoned for that felony.

4. The department, in considering applicants for license, shall seek the advice of the appropriate local law enforcement agency or governmental official, and conduct such further investigation, as it deems proper to determine the competence of the applicant.

**SECTION 24.** 440.26 (2) (c) 3. of the statutes is created to read:

440.26 (2) (c) 3. The department may not issue a license under this section to an individual unless the individual is over 18 years of age.

**SECTION 25.** 440.26 (3) of the statutes is amended to read:

440.26 (3) ISSUANCE OF LICENSES; FEES. Upon receipt and examination of an application executed under sub. (2), and after any investigation that it considers necessary, the department shall, if it determines that the applicant is qualified, grant the proper license upon payment of the fee specified in s. 440.05 (1) and the costs, including the costs of record searches, incurred by the department in obtaining information related to the eligibility and qualifications of the applicant. No license shall be issued for a longer period than 2 years, and the license of

**Vetoed In Part** a private detective, armored transport service person, locksmith or private alarm contractor shall expire on the renewal date of the agency's license of the private detec-

**Vetoed In Part** tive agency, armored transport service, locksmith agency or private alarm contractor agency even though if the private detective's license may of the private detective, ar-

**Vetoed In Part** mored transport service person, locksmith or private alarm contractor has not have been in effect for a full 2 years. Renewals of the original licenses issued under this section shall be issued in accordance with renewal forms prescribed by the department and shall be accompanied by the fees specified in s. 440.08. The department may not renew a license unless the applicant provides evidence that the applicant has in force at the time of renewal the bond or liability policy specified in this section.

**SECTION 26.** 440.26 (3m) of the statutes is created to read:

440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS. The department shall promulgate rules relating to the carrying of dangerous weapons by a person who

holds a license or permit issued under this section or who is employed by a person licensed under this section. The rules shall meet the minimum requirements specified in 15 USC 5902 (b).

**SECTION 27.** 440.26 (4) of the statutes is amended to read:

440.26 (4) BONDS OR LIABILITY POLICIES REQUIRED. No license may be issued under this section until a bond or liability policy, approved by the department, in the amount of \$10,000 \$100,000 if the applicant for the license is ~~an agency~~ a private detective agency, an armored transport service, a locksmith agency or a private alarm contractor agency and includes all principals, partners, members or corporate officers, or in the amount of \$2,000 if the applicant is a private detective, an armored transport service person, a locksmith or a private alarm contractor, has been executed and filed with the department. Such bonds or liability policies shall be furnished by an insurer authorized to do a surety business in this state in a form approved by the department.

**Vetoed In Part**

**Vetoed In Part**

**SECTION 28.** 440.26 (4e) of the statutes is created to read:

**Vetoed In Part**

440.26 (4e) RESTRICTIONS CONCERNING UNPARDONED FELONS. (a) No person who holds a license issued under this section may employ a person who has been convicted in this state or elsewhere of a felony and who has not been pardoned for that felony.

(am) No partnership, limited liability company or corporation may have its business in this state managed by a person who has been convicted in this state or elsewhere of a felony and who has not been pardoned for that felony.

(b) No person may employ another person as an employe specified in sub. (5) (b) if the other person has been convicted in this state or elsewhere of a felony and has not been pardoned for that felony.

**SECTION 29.** 440.26 (4m) of the statutes is created to read:

440.26 (4m) REPORTING VIOLATIONS OF LAW. (a) *Definition.* In this subsection, "violation" means a violation of any state or local law that is punishable by a forfeiture.

(b) *Reporting requirement.* A person who holds a license or permit issued under this section and who is convicted of a felony or misdemeanor, or is found to have committed a violation, in this state or elsewhere, shall notify the department in writing of the date, place and nature of the conviction or finding within 48 hours after the entry of the judgment of conviction or the judgment finding that the person committed the violation. Notice may be made by mail and may be proven by showing proof of the date of mailing the notice.

**SECTION 30.** 440.26 (4s) of the statutes is created to read:

**Vetoed In Part**

440.26 (4s) LOCKSMITH TOOLS AND EQUIPMENT. (a) No person may own or possess, or attempt to own or possess, locksmithing tools specifically designed to com-

**Vetoed** ~~promise or bypass locks, safe-opening tools or code books unless he or she is licensed as a locksmith under this section or is exempt from the locksmith license requirement under rules promulgated by the department under sub. (1) (b).~~

(b) This subsection does not apply to tools designed exclusively to open motor vehicle locks and that are owned or possessed by a towing service, a motor club or a person authorized to repossess motor vehicles or, if he or she is acting within the scope of his or her employment, by an employe of a towing service, motor club or person authorized to repossess motor vehicles.

**SECTION 31.** 440.26 (5) (title) of the statutes is amended to read:

440.26 (5) (title) EXEMPTIONS; PRIVATE SECURITY PERMIT.

**SECTION 32.** 440.26 (5) of the statutes is renumbered 440.26 (5) (b) and amended to read:

**Vetoed** 440.26 (5) (b) ~~This~~ Subject to sub. (4e) (b), the license requirements of this section does do not apply to any person employed, directly or indirectly by the state or by a municipality, as defined in s. 345.05 (1) (c), or to any employe of a railroad company under s. 192.47, or employes to any employe of a commercial establishments, who operate exclusively on their establishment, while the person is acting within the scope of his or her employment and whether or not he or she is on the employer's premises.

(c) An employe of any licensed agency that is licensed as a private detective agency under this section and that is doing business in this state as a supplier of uniformed private security personnel to patrol exclusively on the private property of industrial plants, business establishments, schools, colleges, hospitals, sports stadiums, exhibits and similar activities are is exempt from the license requirements of this section while engaged in such employment, if the person all of the following apply:

1. The employe obtains a private security permit under this section sub. (5m).

2. The private detective agency shall furnish upon request furnishes an up-to-date written record of its employes to the chief of police or other local law enforcement official designated by the department for the municipality wherein such activities take place. Such The record shall include the name, residence address, date of birth and a physical description of each such employe together with a recent photograph and 2 fingerprint cards bearing a complete set of fingerprints of the each employe, and, subject to ss. 111.321, 111.322 and 111.335, no person shall be eligible for a private security permit who has been convicted in this state or elsewhere of a felony within 5 years preceding application.

3. The private detective agency shall notify notifies the chief of police or other designated official department in writing within 5 days of any change of the residence

~~address or of the termination of employment of such person. A private security permit shall be issued or denied within 48 hours of application by the chief of police or other designated official. The permit shall remain valid unless for just cause revoked by the chief of police or other designated official issuing the permit for just cause. Upon denial or revocation of a permit, appeal may be taken to the department. The chief of police or other designated official may charge the agency a fee of not more than \$10 for issuing the permit in the information under subd. 2. regarding its employes, including the termination of employment of any person.~~

**SECTION 33.** 440.26 (5m) and (5r) of the statutes are created to read:

440.26 (5m) PRIVATE SECURITY PERMIT. (a) The department shall issue a private security permit to an individual if all of the following apply:

1. The individual submits an application for a private security permit to the department on a form provided by the department. The department may require that an individual provide any information which the department determines is reasonably necessary to determine whether the individual meets the requirements of this section and rules promulgated under this section or to establish the truth of the facts set forth in the application. The department may also require under this subdivision that an applicant complete forms provided by the department of justice and the federal bureau of investigation.

2. The individual has not been convicted in this state or elsewhere of a felony, unless he or she has been pardoned for that felony.

3. The individual provides evidence satisfactory to the department that he or she is an employe of a private detective agency described in sub. (5) (c).

4. The individual pays to the department the fee specified in s. 440.05 (1) and the costs, including the costs of record searches, incurred by the department in obtaining information related to the eligibility and qualifications of the individual.

(b) The renewal dates for permits issued under this subsection are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee specified in s. 440.08 (2) (a).

(c) A private security permit issued under this subsection authorizes the holder of the permit to engage in private security activities described in sub. (5) (c) for an employer described in sub. (5) (c) anywhere in this state.

(d) The department shall maintain a record pertaining to each applicant for a permit under this subsection and each holder of a permit issued under this subsection. The record shall include all information received by the department that is relevant to the approval or denial of the application, the issuance of the permit and any limitations, suspensions or revocations of the permit.

(5r) TEMPORARY PRIVATE SECURITY PERMIT. (a) The department shall issue a temporary private security permit to an individual at the request of the individual if all of the following apply:

1. The individual has completed an application and provided information required under sub. (5m) (a).

2. The department is not yet able to grant or deny the individual's application because a background check of the individual is not complete.

(b) 1. Except as provided in subd. 2., an individual who has been issued a temporary private security permit under par. (a) may act as a private security person in the same manner as an individual issued a private security permit under sub. (5m).

2. An individual may not carry a dangerous weapon while acting as a private security person under a temporary private security permit issued under par. (a).

(c) 1. Except as provided in subd. 2., a temporary private security permit issued under par. (a) is valid for 30 days.

2. A temporary private security permit issued under par. (a) shall expire on the date that the individual receives written notice from the department that a background check of the individual has been completed and that the department is granting or denying the individual's application for a private security permit, if that date occurs before the end of the period specified in subd. 1.

3. A temporary private security permit issued under par. (a) may not be renewed.

SECTION 34. 440.26 (6) of the statutes is renumbered 440.26 (6) (a) (intro.) and amended to read:

440.26 (6) (a) (intro.) Subject to the rules adopted under s. 440.03 (1), the department may reprimand the holder of a license or permit issued under this section or revoke, suspend or limit the license or permit of any person who has been done any of the following:

1. Been convicted of a crime misdemeanor or found to have violated any state or local law that is punishable by a forfeiture, subject to ss. 111.321, 111.322 and 111.335, or has engaged.

2. Engaged in conduct reflecting adversely on his or her professional qualification, or has made.

3. Made a false statement in connection with any application for a license or permit under this section.

SECTION 35. 440.26 (6) (a) 4. of the statutes is created to read:

440.26 (6) (a) 4. Violated this section or any rule promulgated or order issued under this section.

SECTION 36. 440.26 (6) (b) of the statutes is created to read:

440.26 (6) (b) Subject to the rules promulgated under s. 440.03 (1), the department shall revoke the license or permit of any person who has been convicted of a felony in this state or elsewhere and who has not been pardoned

**Vetoed In Part** for that felony. **A person whose license or permit is revoked under this paragraph is eligible to apply for a**

**license or permit under this section 10 years after the date of conviction for the felony.**

**Vetoed In Part**

SECTION 37. 440.26 (7) (title) of the statutes is repealed.

SECTION 38. 440.26 (7) (a) of the statutes is renumbered 440.26 (5) (a) and amended to read:

440.26 (5) (a) "Private detective" does not include The requirement that a person acting as a private detective, investigator or special investigator be licensed under this section does not apply to attorneys, law students or law school graduates employed by an attorney or persons directly employed by an attorney or firm of attorneys whose work as private detective, investigator or special investigator is limited to such attorney or firm or to persons directly employed by an insurer or a retail credit rating establishment. A person who accepts employment with more than one law firm shall be subject to the licensing provisions of this section.

SECTION 39. 440.26 (7m) of the statutes is created to read:

**Vetoed In Part**

440.26 (7m) IDENTIFICATION CARD. (a) The department shall issue an identification card to every individual who is issued a license or permit under this subchapter.

(b) An identification card issued under par. (a) shall contain all of the following:

1. The individual's name.

2. Identification information of the individual, including height, weight and hair and eye color.

3. A recent photograph of the individual.

4. The signature of the individual.

5. The name and license number of the private detective agency, armored transport service, locksmith agency or private alarm contractor agency employing the individual, if applicable.

6. The number of the identification card.

(c) An individual who terminates his or her employment with a private detective agency, armored transport service, locksmith agency or private alarm contractor agency shall notify the department and return his or her identification card to the department.

(d) The department may charge a fee for issuing or reissuing an identification card under this subsection.

(e) The department may promulgate any rules necessary to administer this subsection.

SECTION 40. 440.26 (8) of the statutes is renumbered 440.26 (8) (a) and amended to read:

**Vetoed In Part**

440.26 (8) (a) Any person, acting as a private alarm contractor, locksmith, armored transport service person, private detective, investigator or private security person, or who employs any person who solicits, advertises or performs services in this state as a private alarm contractor, locksmith, armored transport service person, private detective or private security person, or investigator or special investigator, without having procured the license or permit required by this section, may be fined not less than \$100 nor more than \$500 or imprisoned not less than

**Vetoed** 3 months nor more than 6 months or both. Any agency  
**In Part** or service having an employe, owner, officer or agent  
convicted of the above offense may have its agency or  
service license revoked or suspended by the department.  
Any person convicted of the above offense shall be ineli-  
gible for a license for one year.

**SECTION 41.** 440.26 (8) (b) of the statutes is created  
to read:

440.26 (8) (b) Any person who violates sub. (4s) may  
be required to forfeit not less than \$100 nor more than  
\$500 or imprisoned for not less than 3 months nor more  
than 6 months or both.

**SECTION 42.** 940.34 (2) (c) 1. of the statutes is  
amended to read:

940.34 (2) (c) 1. In this paragraph, "unlicensed pri-  
vate security person" means a private security person, as  
defined in s. 440.26 (1m) (h), who is exempt from the per-  
mit and licensure requirements of s. 440.26.

**SECTION 43.** 941.237 (1) (em) of the statutes is  
amended to read:

941.237 (1) (em) "Private security person" has the  
meaning given in s. 440.26 (1m) (h).

**SECTION 44. Nonstatutory provisions.**

**Vetoed** (1) No later than the first day of the 2nd month begin-  
**In Part** ning after the effective date of this subsection, the chiefs  
of police or other designated officials who issued private  
security permits under section 440.26 (5) of the statutes  
**Vetoed** shall transfer to the department of regulation and licens-  
**In Part** ing copies of all records pertaining to private security

permits. Permits issued by chiefs of police or other desig-  
nated officials prior to the effective date of this subsec-  
tion shall be treated as if they were issued by the depart-  
ment of regulation and licensing under section 440.26  
(5m) of the statutes, as created by this act, on the effective  
date of this subsection. Any permit denial or revocation  
proceeding pending on the effective date of this subsec-  
tion is transferred to the department of regulation and li-  
censing on the effective date of this subsection.

**SECTION 45. Initial applicability.**

(1) The treatment of section 440.26 (2) (a) 1. and 2.  
and (c), (5) and (5m) of the statutes first applies to ap-  
plications for an initial license or permit under section  
440.26 of the statutes, as affected by this act, that are sub-  
mitted on the effective date of this subsection.

(2) The treatment of section 440.26 (4e) of the stat-  
utes first applies to a person who is offered employment  
or management authority on the effective date of this sub-  
section.

(3) The treatment of section 440.26 (4m) of the stat-  
utes first applies to judgments of conviction or judgments  
finding that a person committed a violation that are en-  
tered on the effective date of this subsection.

(4) The treatment of section 440.26 (6) (b) of the stat-  
utes first applies to a person holding a license or permit  
under section 440.26 of the statutes who is convicted of  
a felony on the effective date of this subsection.

**SECTION 46. Effective date.**

(1) This act takes effect on July 1, 1997.

**Vetoed**  
**In Part**

**Vetoed**  
**In Part**