

1999 ASSEMBLY BILL 174

March 8, 1999 – Introduced by Representatives KREUSER, KAUFERT, NASS, KEDZIE, PLALE, STEINBRINK, HASENOHRL and RYBA, cosponsored by Senators WIRCH, ERPENBACH, ZIEN and DRZEWIECKI. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to repeal** 167.31 (4) (a) 1. and 941.20 (3) (b) 1. a., b. and c.; **to renumber**
2 **and amend** 941.20 (3) (b) 1. (intro.) and 941.235 (2); **to amend** 167.31 (2) (d);
3 **and to create** 167.31 (4) (am) and 941.20 (3) (b) 1m. of the statutes; **relating**
4 **to:** exceptions for peace officers to certain prohibitions relating to firearms.

Analysis by the Legislative Reference Bureau

Current law provides for various prohibitions relating to the possession, carrying and use of firearms. Among these prohibitions are the following:

1. No person may place, possess or transport a firearm in or on a vehicle, motorboat or aircraft unless the firearm is unloaded and encased.
2. No person may load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or from or across a highway or within 50 feet of the center of a roadway. In addition, more severe penalties apply if a person discharges a firearm from a vehicle while on a highway or in a public parking lot and the firearm is discharged at or toward another or at or toward any building or other vehicle.
3. No person may carry a firearm in a building owned or leased by the state or any political subdivision of the state.

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These listed prohibitions do not apply to a peace officer who is acting in the line of duty. This bill provides that these prohibitions do not apply to a peace officer at any time, regardless of whether the peace officer is acting in the line of duty.

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

1 **SECTION 1.** 167.31 (2) (d) of the statutes is amended to read:

2 167.31 **(2)** (d) Except as provided in sub. (4) (a), (am), (cg) and (e), no person may
3 discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across
4 a highway or within 50 feet of the center of a roadway.

5 **SECTION 2.** 167.31 (4) (a) 1. of the statutes is repealed.

6 **SECTION 3.** 167.31 (4) (am) of the statutes is created to read:

7 167.31 **(4)** (am) Subsections (2) and (3) do not apply to a peace officer, as defined
8 in s. 939.22 (22), who places, possesses, transports, loads or discharges a firearm in,
9 on or from a vehicle, motorboat or aircraft or who discharges a firearm from or across
10 a highway or within 50 feet of the center of a roadway.

11 **SECTION 4.** 941.20 (3) (b) 1. (intro.) of the statutes is renumbered 941.20 (3) (b)
12 1. and amended to read:

13 941.20 **(3)** (b) 1. Paragraph (a) does not apply to ~~any of the following~~ a member
14 of the U.S. armed forces or national guard who, in the line of duty, discharges a
15 firearm from a vehicle.

16 **SECTION 5.** 941.20 (3) (b) 1. a., b. and c. of the statutes are repealed.

17 **SECTION 6.** 941.20 (3) (b) 1m. of the statutes is created to read:

18 941.20 **(3)** (b) 1m. Paragraph (a) does not apply to a peace officer who
19 discharges a firearm from a vehicle.

