

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-AB675)**

Received: 01/28/2002

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Scott Gunderson (608) 266-3363

By/Representing: Mike

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Criminal Law - guns and weapons

Extra Copies: rlr

Submit via email: YES

Requester's email: Rep.Gunderson@legis.state.wi.us

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

No double convictions

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 01/30/2002	gilfokm 02/04/2002		_____			
/P1		gilfokm 02/18/2002	jfrantze 02/05/2002	_____	lrb_docadmin 02/05/2002		
/1			jfrantze	_____	lrb_docadmin	lrb_docadmin	

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			02/18/2002 _____		02/18/2002	02/18/2002	

FE Sent For:

<END>

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/?	mdsida 01/30/2002	gilfokm 02/04/2002					
/P1		1-2/18 King	jfrantze 02/05/2002	Self 2/18	lrb_docadmin 02/05/2002		

02/05/2002 12:34:06 PM

Page 2

***LRBa1196***

FE Sent For:

**<END>**

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/?	mdsida	1-2/4 Kmg	2/2/5	Self 2/3			

FE Sent For:

<END>

**Dsida, Michael**

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**From:** Bruhn, Mike  
**Sent:** Thursday, January 17, 2002 10:52 AM  
**To:** Dsida, Michael  
**Subject:** RE: Tavern/restaurant amendment + one other question

1. yes

-----Original Message-----

**From:** Bruhn, Mike  
**Sent:** Thursday, January 17, 2002 10:44 AM  
**To:** Dsida, Michael  
**Subject:** RE: Tavern/restaurant amendment + one other question

1. Get rid of the possibility of a double conviction.

I assume you want to get rid of the possibility of a person being convicted twice for intentionally carrying a concealed weapon in a school too.

2 I can't find s. 175.50...

That section is created in the bill.

-----Original Message-----

**From:** Dsida, Michael  
**Sent:** Wednesday, January 16, 2002 1:52 PM  
**To:** Bruhn, Mike  
**Subject:** Tavern/restaurant amendment + one other question

1. Current law prohibits intentionally carrying a handgun in a tavern (s. 941.237), but the bill adds a separate provision prohibiting carrying a concealed weapon in a tavern (s. 175.50 (16) (g)). Arguably, a person could be convicted under both provisions for intentionally carrying a concealed handgun in a tavern. Is that okay? If it is not, I can address that in the context of the amendment that would permit a person to carry a concealed weapon in a restaurant. (You should also be aware that a similar situation arises with carrying a concealed firearm in a school.)

Mike Dsida  
Legislative Reference Bureau  
608/266-9867  
michael.dsida@state.legis.wi.us



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa1196/r P1  
MGD: /...  
King

D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
ASSEMBLY AMENDMENT,  
TO 2001 ASSEMBLY BILL 675

5000

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 27, line 23: delete lines 23 <sup>and</sup> 24.

3 ✓ 2. Page 30, line 4: delete lines 4 to 9 and substitute:

4 "SECTION 10g. 941.23 of the statutes is renumbered 941.23 (1) (intro.) and  
5 amended to read:

6 941.23 (1) (intro.) Any person ~~except a peace officer, other than one of the~~  
7 following, who goes armed with a concealed and dangerous weapon is guilty of a  
8 Class A misdemeanor.;

History: 1977 c. 173; 1979 c. 115, 221.

9 SECTION 10k. 941.23 (1) (a) of the statutes is created to read:

10 941.23 (1) (a) A peace officer.

11 SECTION 10n. 941.23 (1) (b) of the statutes is created to read:

1           941.23 (1) (b) An individual holding a valid license under s. 175.50 or an  
2 individual authorized under the law of another state to carry a concealed weapon in  
3 that state, if the dangerous weapon is a weapon, as defined under s. 175.50 (1) (h).''

4

(END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa1196/7dn P1  
MGD:.....  
King

Mike:

1. This amendment eliminates the double<sup>v</sup> conviction scenario relating to taverns that I mentioned in my e-mail.
2. In looking at the tavern<sup>o</sup> double<sup>v</sup> conviction issue, I discovered that there were cases in which a licensee could avoid conviction for carrying a concealed dangerous weapon that is not a "weapon," as defined in s. 175.50 (1) (h)<sup>v</sup> (such as a machine gun). In such a case, neither s. 175.50 (16) nor s. 941.23 would apply; the former, because no "weapon" (again, as defined in s. 175.50 (1) (h)) is involved and the latter because of the new exception for licensees. This amendment addresses this problem.

Michael Dsida  
Legislative Attorney  
Phone: (608) 266-9867

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa1196/P1dn  
MGD:kmg:jf

February 5, 2002

Mike:

1. This amendment eliminates the double-conviction scenario relating to taverns that I mentioned in my e-mail.
2. In looking at the tavern/double-conviction issue, I discovered that there were cases in which a licensee could avoid conviction for carrying a concealed dangerous weapon that is not a "weapon," as defined in s. 175.50 (1) (h) (such as a machine gun). In such a case, neither s. 175.50 (16) nor s. 941.23 would apply; the former, because no "weapon" (again, as defined in s. 175.50 (1) (h)) is involved and the latter because of the new exception for licensees. This amendment addresses this problem.

Michael Dsida  
Legislative Attorney  
Phone: (608) 266-9867



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa1196P1  
MGD:kmg:jf

*[Handwritten signature]* Tues 9 AM

①  
①

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ASSEMBLY AMENDMENT,  
TO 2001 ASSEMBLY BILL 675

*ubr. from bill*

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- 6 941.23 (1) (intro.) Any person ~~except a peace officer~~, other than one of the
- 7 following, who goes armed with a concealed and dangerous weapon is guilty of a
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