



2003 ASSEMBLY BILL 481

August 26, 2003 - Introduced by Representatives YOUNG and BIES. Referred to Committee on Criminal Justice.

1 **AN ACT** *to renumber and amend* 941.23; *to amend* 939.632 (1) (e) 1., 939.632
2 (1) (e) 3. and 968.255 (1) (a) 2.; and *to create* 941.23 (2) of the statutes; **relating**
3 **to:** carrying a concealed weapon and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person other than a peace officer may go armed with a concealed weapon. A person who violates this prohibition may be fined not more than \$10,000, sentenced to the county jail for up to nine months, or both. Under this bill, a person who unlawfully carries a concealed weapon after having been convicted previously of that offense may be fined not more than \$10,000, sentenced to a term of imprisonment (consisting of a term of confinement in state prison followed by a term of extended supervision) of up to three and one-half years, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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1 **SECTION 1.** 939.632 (1) (e) 1. of the statutes, as affected by 2001 Wisconsin Act
2 109, is amended to read:

3 939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
4 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20,
5 941.21, 941.23 (2), 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1) or (2),
6 948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, or 948.30 (2).

7 **SECTION 2.** 939.632 (1) (e) 3. of the statutes is amended to read:

8 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
9 (2), 940.42, 940.44, 941.20 (1), 941.23 (1), 941.235, 941.24 or 941.38 (3).

10 **SECTION 3.** 941.23 of the statutes is renumbered 941.23 (1) and amended to
11 read:

12 941.23 (1) ~~Any~~ Except as provided in sub. (2), any person except a peace officer
13 who goes armed with a concealed and dangerous weapon is guilty of a Class A
14 misdemeanor.

15 **SECTION 4.** 941.23 (2) of the statutes is created to read:

16 941.23 (2) Any person who violates sub. (1) after having been convicted under
17 sub. (1) is guilty of a Class I felony.

18 **SECTION 5.** 968.255 (1) (a) 2. of the statutes, as affected by 2001 Wisconsin Act
19 109, is amended to read:

20 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20
21 (1), 941.23 (1), 941.237, 941.24, 948.60, or 948.61.

22 **SECTION 6. Initial applicability.**

23 (1) This act first applies to offenses committed on the effective date of this
24 subsection but does not preclude the counting of other offenses as prior convictions

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1 for the purpose of determining whether a person is subject to penalties under section
2 941.23 (2) of the statutes, as created by this act.

3 (END)