State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Pt 01 of 03

RESEARCH APPENDIX -

PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 09/20/2005 (Per: MGD)

☞ The 2005 drafting file for LRB 05–0569/**3**

has been copied/added to the 2005 drafting file for

LRB 05–3685

☞ The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.

2005 DRAFTING REQUEST

Bill

Received: **10/20/2004**

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: **chanaman**

Subject: **Criminal Law - guns and weapons**

Extra Copies: **cmh**

Submit via email: **YES**

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

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**
jhogan@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Concealed weapons

Instructions:

SB214 as passed

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mdsida 10/21/2004 chanaman 12/16/2004	wjackson 12/17/2004		_____ _____ _____ _____			S&L Crime
/1	chanaman 02/23/2005		rschluet 12/17/2004	_____ _____	lnorthro 12/17/2004		S&L Crime
/2		chanaman	jfrantze	_____	lemery		S&L

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/3	chanaman 09/02/2005			_____ _____	mbarman 09/02/2005		

FE Sent For:

<END>

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/1	chanaman 02/23/2005		rschluet 12/17/2004	9/2	lnorthro 12/17/2004		S&L Crime
/2		chanaman 02/23/2005	jfrantze 02/25/2005	DS/B	lemery 02/25/2005		

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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
		wjackson 02/24/2005		_____ _____			

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/?	mdsida 10/21/2004 chanaman 12/16/2004	wjackson 12/17/2004 /2 WLJ 2/24		_____ _____ _____ _____			S&L Crime
/1			rschluet 12/17/2004	_____ _____	lnorthro 12/17/2004		

FE Sent For: 2/25 2/25

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Wanted: **As time permits**

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By/Representing: **Mike**

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SB214 as passed

Drafting History:

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/?	mdsida	/1 12/17 wj	12/17	4			

FE Sent For:

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SENATE BILL 214 (LRB -2856)

An Act to renumber and amend 29.091, 29.621 (4), 941.23 and 941.235 (2); to amend 23.33 (3) (e), 25.29 (1) (a), 29.089 (2), 165.82 (2) and 440.26 (3m); and to create 20.370 (5) (csr), 20.455 (2) (gp), 29.091 (2), 29.594, 29.621 (4) (b), 59.25 (3) (u), 167.31 (4) (ar), 175.50, 941.23 (1) (a), 941.23 (1) (b), 941.23 (2), 941.235 (2) (c), 941.235 (2) (d), 941.237 (3) (ct), 941.295 (2) (f), 941.295 (2) (g), 946.32 (3), 948.605 (2) (c) and 948.61 (3m) of the statutes; relating to: carrying or going armed with a concealed weapon, requiring the exercise of rule-making authority, making appropriations, and providing penalties. (FE)

2003

10-07. S. Introduced by Senators **Zien, Welch, Brown, Panzer, A. Lasee, S. Fitzgerald, Schultz, Stepp, Reynolds, Kanavas, Leibham, Kedzie** and **Roessler**; cosponsored by Representatives **Gunderson, Suder, Pettis, Albers, Bies, J. Fitzgerald, Freese, Grothman, Gundrum, Hahn, Hines, Huebsch, Hundertmark, Jensen, Kerkman, Kestell, Ladwig, F. Lasee, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, Musser, Nass, Nischke, Owens, Petrowski, Schneider, Seratti, Sherman, Stone, Towns, Van Roy, Vrakas, Vukmir** and **Weber**.

07-22. S. Read first time and referred to committee on Judiciary, Corrections and Privacy 272

07-22. S. Report of joint review committee on Criminal Penalties requested pursuant to s. 13.525 (5) Wisconsin Statutes.

08-13. S. Fiscal estimate received.

08-20. S. LRB correction 344

08-28. S. Fiscal estimate received.

09-03. S. LRB correction 355

09-04. S. Fiscal estimate received.

09-09. S. Public hearing held.

09-22. S. Fiscal estimate received.

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10-07. S. Fiscal estimate received.

10-13. S. Executive action taken.

10-15. S. Report introduction and adoption of Senate Substitute Amendment 1 recommended by committee on Judiciary, Corrections and Privacy, Ayes 4, Noes 1 **(LRB s0161)** 409

10-15. S. Report introduction and adoption of Senate Amendment 1 to Senate Substitute Amendment 1 recommended by committee on Judiciary, Corrections and Privacy, Ayes 5, Noes 0 **(LRB a0896)** 409

10-15. S. Report introduction and adoption of Senate Amendment 2 to Senate Substitute Amendment 1 recommended by committee on Judiciary, Corrections and Privacy, Ayes 5, Noes 0 **(LRB a0899)** 409

10-15. S. Report passage as amended recommended by committee on Judiciary, Corrections and Privacy, Ayes 3, Noes 2 409

10-15. S. Available for scheduling.

10-16. S. Referred to joint committee on Finance pursuant to Senate Rule 41 (1) (e) 414

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10-22. S. Report introduction and adoption of Senate Substitute Amendment 2 recommended by joint committee on Finance, Ayes 13, Noes 3 **(LRB s0226)** 432

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10-22. S. Available for scheduling.

10-22. S. Placed on calendar 10-23-2003 by committee on Senate Organization.

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10-23. S. Senate amendment 5 to Senate substitute amendment 2 rejected, Ayes 18, Noes 12 438

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2003 – ~~2004 LEGISLATURE~~

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ENGROSSED 2003 SENATE BILL 214

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AN ACT ***to renumber and amend*** 29.091, 29.621 (4), 941.23, 941.235 (2) and 943.13 (2); ***to amend*** 23.33 (3) (e), 29.089 (2), 51.20 (13) (cv) 4., 51.20 (16) (gm), 51.30 (3) (a), 165.82 (1) (intro.), 165.82 (2), 175.35 (1) (at), 175.35 (2) (d), 175.35 (2g) (c) 4. a. and b., 175.35 (2k) (ar) 2., 440.26 (3m), 813.12 (6) (am) 1., 813.12 (6) (am) 2., 813.122 (9) (am) 1., 813.122 (9) (am) 2., 813.125 (5r) (a), 813.125 (5r) (b), 885.235 (1g) (intro.), 938.396 (8), 941.20 (1) (a), 941.20 (1) (b), 941.295 (2) (d), 943.13 (1m) (b) and 943.13 (3); and ***to create*** 29.091 (2), 29.621 (4) (b), 55.06 (17) (d), 59.25 (3) (u), 165.25 (11), 167.31 (4) (ar), 175.35 (1) (am), 175.50, 885.235 (1g) (e), 938.396 (8m), 941.20 (1) (bm), 941.23 (1) (a), 941.23 (1) (b), 941.23 (1) (c), 941.23 (2), 941.235 (2) (c), 941.237 (3) (ct), 941.295 (2g), 941.295 (2r), 943.13 (1e) (bm), 943.13 (1e) (g), 943.13 (1m) (c), 943.13 (2) (bm), 946.32 (3), 948.605 (2) (c) and 948.61 (3m) of the statutes; **relating to:** carrying or going armed with a concealed weapon, background checks for handgun purchases,

requiring the exercise of rule–making authority, providing an exemption from rule–making authority, and providing penalties.

Analysis by the Legislative Reference Bureau

NS ANALYSIS

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

SECTION 1. 23.33 (3) (e) of the statutes is amended to read:

23.33 **(3)** (e) With any firearm in his or her possession unless it is unloaded and enclosed in a carrying case~~, or~~. This paragraph does not apply to the possession of a handgun, as defined in s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon issued under s. 175.50 or by an out–of–state licensee, as defined in s. 175.50 (1) (g).

(em) With any bow unless it is unstrung or enclosed in a carrying case.

SECTION 2. 29.089 (2) of the statutes is amended to read:

29.089 **(2)** Except as provided in sub. (3), no person may have in his or her possession or under his or her control a firearm on land located in state parks or state fish hatcheries unless the firearm is unloaded and enclosed within a carrying case. This subsection does not apply if the firearm is a handgun, as defined in s. 175.50 (1) (bm), and the person holds a valid license to carry a concealed weapon issued under s. 175.50 or an out–of–state licensee, as defined in s. 175.50 (1) (g).

SECTION 3. 29.091 of the statutes is renumbered 29.091 (1) and amended to read:

29.091 **(1)** No person may hunt or trap within any wildlife refuge established under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,

1 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
2 within a carrying case. The taking of predatory game birds and animals shall be done
3 as the department directs. All state wildlife refuge boundary lines shall be marked
4 by posts placed at intervals of not over 500 feet and bearing signs with the words
5 "Wisconsin Wildlife Refuge".

6 **SECTION 4.** 29.091 (2) of the statutes is created to read:

7 29.091 **(2)** The prohibition of the possession or control of a loaded or unencased
8 gun or firearm in sub. (1) does not apply to the possession of a handgun, as defined
9 in s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon
10 issued under s. 175.50 or by an out–of–state licensee, as defined in s. 175.50 (1) (g).

11 **SECTION 5.** 29.621 (4) of the statutes is renumbered 29.621 (4) (a) and amended
12 to read:

13 29.621 **(4)** (a) Except as provided in s. 29.091 (1), no owner of a wildlife refuge,
14 and no other person, may hunt or trap within the boundaries of any wildlife refuge
15 or, except as provided in par. (b), have in his or her possession or under his or her
16 control in the wildlife refuge a gun, firearm, bow or crossbow, unless the gun or
17 firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or
18 crossbow is enclosed within a carrying case. Nothing in this section may prohibit,
19 prevent or interfere with the department in the destruction of injurious animals.

20 **SECTION 6.** 29.621 (4) (b) of the statutes is created to read:

21 29.621 **(4)** (b) The prohibition of the possession or control of a loaded or
22 unencased gun or firearm in par. (a) does not apply to the possession of a handgun,
23 as defined in s. 175.50 (1) (bm), by a person who holds a valid license to carry a
24 concealed weapon issued under s. 175.50 or an out–of–state licensee, as defined in
25 s. 175.50 (1) (g).

1 **SECTION 7.** 51.20 (13) (cv) 4. of the statutes is amended to read:

2 51.20 **(13)** (cv) 4. If the court prohibits a subject individual from possessing a
3 firearm under subd. 1. or cancels a prohibition under subd. 2., the court clerk shall
4 notify the department of justice of that fact and provide any information identifying
5 the subject individual that is necessary to permit an accurate involuntary
6 commitment history record search under s. 175.35 (2g) (c) <u>or a background check</u>
7 <u>under s. 175.50 (9g) (b)</u>. No other information from the subject individual's court
8 records may be disclosed to the department of justice except by order of the court.
9 The department of justice may disclose information provided under this subdivision
10 only as part of an involuntary commitment history record search under s. 175.35 (2g)
11 (c) <u>or a background check under s. 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g)</u>
12 <u>(b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3</u>.

13 **SECTION 8.** 51.20 (16) (gm) of the statutes is amended to read:

14 51.20 **(16)** (gm) Upon a request under par. (a), a court may cancel the
15 prohibition under sub. (13) (cv) 1. if the court determines, based on evidence
16 presented on the issue of the subject individual's dangerousness, that there no longer
17 is a substantial probability that the individual may use a firearm to cause physical
18 harm to himself or herself or endanger public safety. If a court cancels a prohibition
19 under sub. (13) (cv) 1. under this paragraph, the court clerk shall notify the
20 department of justice of that fact and provide any information identifying the subject
21 individual that is necessary to permit an accurate involuntary commitment record
22 search under s. 175.35 (2g) (c) <u>or a background check under s. 175.50 (9g) (b)</u>. No
23 other information from the subject individual's court records may be disclosed to the
24 department of justice except by order of the court.

25 **SECTION 9.** 51.30 (3) (a) of the statutes is amended to read:

51.30 **(3)** (a) Except as provided in pars. (b) and (c) and s. 175.50 (11) (d) 2. g. and 3. and under rules that the department of justice promulgates under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f), the files and records of the court proceedings under this chapter shall be closed but shall be accessible to any individual who is the subject of a petition filed under this chapter.

SECTION 10. 55.06 (17) (d) of the statutes is created to read:

55.06 **(17)** (d) Notwithstanding par. (a), information from records described in par. (a) may be disclosed under rules that the department of justice promulgates under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f).

SECTION 11m. 59.25 (3) (u) of the statutes is created to read:

59.25 **(3)** (u) ~~1. In this paragraph, "allocated license fees" means all~~ money received by the sheriff under s. 175.50 (7) (bd) or (15) (b) 4. a. or, if the sheriff is a party to an agreement under s. 175.50 (2) (c), all money allocated to the sheriff under the agreement from money received under s. 175.50 (7) (bd) or (15) (b) 4. a.

more

Except as provided in subd. 4 (b) 5

no 9

1 ~~2.~~ Deposit all of the following in to the general fund of the county:

a. ~~All allocated license fees, other than money derived from allocated license fees that is deposited under subd. 5. b. in the segregated fund created under subd. 5. a.~~

money

b. All money received by the sheriff under s. 175.50 (7) (bp), (13), and (15) (b) 4. c., or, if the sheriff is a party to an agreement under s. 175.50 (2) (c), all money allocated to the sheriff under the agreement from money received under s. 175.50 (7) (bp), (13), and (15) (b) 4. c.

2 ~~3.~~ Forward all money received under s. 175.50 (7) (bh) and (15) (b) 4. b. to the state treasurer for deposit in the general fund.

3 ~~4~~. Deposit in the law enforcement excellence fund established under s. 175.50 (20) all money received by the sheriff under s. 175.50 (7) (bt) and (15) (b) 4. d., or, if the sheriff is a party to an agreement under s. 175.50 (2) (c), all money allocated to the sheriff under the agreement from money received under s. 175.50 (7) (bt) and (15) (b) 4. d., and make payments from the fund for the purposes of s. 175.50 (20) (b).

4 ~~3~~. a. Establish a segregated fund, payments from which may be used by the sheriff for law enforcement purposes but which may not be used to supplant or replace other funds otherwise available to the sheriff.

b. Deposit into the ~~[illegible]~~ fund established under subd. 4. a. ~~the amount of money, as determined by the treasurer, by which the~~ allocated license fees ~~exceed~~ or money deposited into the general fund of the county exceeds the county's costs in issuing licenses to carry a concealed weapon under s. 175.50, including any such costs incurred under an agreement under s. 175.50 (2) (c). under subd. 10. a.

c. Make payments from the fund established under subd. 4. a. as directed by the sheriff.

SECTION 12. 165.25 (11) of the statutes is created to read:

165.25 **(11)** RULES REGARDING CONCEALED WEAPONS LICENSES. (a) Promulgate rules specifying all of the following:

1. A procedure by which a sheriff may file a petition under s. 175.50 (10m) and a license may be revoked under s. 175.50 (14) with respect to a person who is issued a license under s. 175.50 (9r) and who, as a result of being licensed, poses a substantial risk to others.

2. A procedure to provide sheriffs notice of any order entered under s. 175.50 (10m) prohibiting a person from being licensed to carry a concealed weapon.

(b) Determine which states issue permits or licenses to carry a concealed weapon to persons who meet firearms training requirements similar to those in s.

175.50 (4m) (a) to (g) and pass criminal background checks in those states and promulgate by rule a list of those states.

SECTION 13. 165.82 (1) (intro.) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

165.82 **(1)** (intro.) Notwithstanding s. 19.35 (3), the department of justice shall impose the following fees, plus any surcharge required under sub. (1m), for criminal history searches for purposes unrelated to criminal justice or to s. 175.35 or 175.50:

SECTION 14. 165.82 (2) of the statutes is amended to read:

165.82 **(2)** Except as provided in ~~s.~~ ss. 175.35 and 175.50, the department of justice shall not impose fees for criminal history searches for purposes related to criminal justice.

SECTION 15. 167.31 (4) (ar) of the statutes is created to read:

167.31 **(4)** (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply to the placement, possession, transportation, or loading of a handgun, as defined in s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon issued under s. 175.50 or an out–of–state licensee, as defined in s. 175.50 (1) (g).

SECTION 16. 175.35 (1) (am) of the statutes is created to read:

175.35 **(1)** (am) "Disqualifying mental health adjudication" means one of the following events if it occurs in a proceeding that was not commenced by the person who is the subject of the proceeding and if it is based on the person having markedly subnormal intelligence or the person's mental illness, incompetency, condition, or disease:

1. An order entered by a court in this state that commits a person for treatment in an inpatient mental health facility.

1 2. A determination by a court in this state that a person is a danger to himself
2 or herself or others under s. 51.20 (1) (a) 2. or lacks the mental capacity to contract
3 or manage his or her own affairs.

4 **SECTION 17.** 175.35 (1) (at) of the statutes is amended to read:

5 175.35 **(1)** (at) "Firearms restrictions record search" means a search of
6 department of justice records to determine whether a person seeking to purchase a
7 handgun is prohibited from possessing a firearm under s. 941.29 <u>or based on a</u>
8 <u>disqualifying mental health adjudication</u>. "Firearms restriction record search"
9 includes a criminal history record search, a search to determine whether a person is
10 prohibited from possessing a firearm under s. 51.20 (13) (cv), a search to determine
11 whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal
12 injunction, as defined in s. 813.12 (1) (e), issued by a court established by any
13 federally recognized Wisconsin Indian tribe or band, except the Menominee Indian
14 tribe of Wisconsin, that includes notice to the respondent that he or she is subject to
15 the requirements and penalties under s. 941.29 and that has been filed with the
16 circuit court under s. 806.247 (3), and a search to determine whether the person is
17 prohibited from possessing a firearm under s. 813.125 (4m).

18 **SECTION 18.** 175.35 (2) (d) of the statutes is amended to read:

19 175.35 **(2)** (d) Forty–eight hours, subject to extension under sub. (2g) (c) 4. c.,
20 have elapsed from the time that the firearms dealer has received a confirmation
21 number regarding the firearms restrictions record search under sub. (2g) (c) from the
22 department of justice and the firearms dealer has not been notified that the transfer
23 would be in violation of s. 941.29 <u>or that the transferee would be prohibited from</u>
24 <u>possessing a firearm based on a disqualifying mental health adjudication</u>.

25 **SECTION 19.** 175.35 (2g) (c) 4. a. and b. of the statutes are amended to read:

175.35 **(2g)** (c) 4. a. If the search indicates that the transferee is prohibited from possessing a firearm under s. 941.29 <u>or based on a disqualifying mental health adjudication</u>, the department shall provide the firearms dealer with a unique nonapproval number. The department may not disclose to the firearms dealer the reason the transferee is prohibited from possessing a firearm ~~under s. 941.29~~.

b. If the search indicates that the transferee is not prohibited from possessing a firearm under s. 941.29 <u>or based on a disqualifying mental health adjudication</u>, the department shall provide the firearms dealer with a unique approval number.

SECTION 20. 175.35 (2k) (ar) 2. of the statutes is amended to read:

175.35 **(2k)** (ar) 2. Check each duplicate notification form received under sub. (2j) against the information recorded by the department regarding the corresponding request for a firearms restrictions record search under sub. (2g). If the department previously provided a unique approval number regarding the request and nothing in the duplicate completed notification form indicates that the transferee is prohibited from possessing a firearm under s. 941.29 <u>or based on a disqualifying mental health adjudication</u>, the department shall destroy all records regarding that firearms restrictions record search within 30 days after receiving the duplicate form.

SECTION 21. 175.50 of the statutes is created to read:

175.50 License to carry a concealed weapon. (1) DEFINITIONS. In this section:

(ab) "Alcohol beverages" has the meaning given in s. 125.02 (1).

(abm) "Alcohol concentration" has the meaning given in s. 340.01 (1v).

(ac) "Background check" means a search of department and court records conducted under sub. (9g) to determine a person's eligibility for a license to carry a concealed weapon.

1 (ag) Except in subs. (2g) (b) and (11) (c) 1. b., "carry" means to go armed with.
2 (ah) "Controlled substance" means a controlled substance, as defined in s.
3 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).
4 (aj) "Department" means the department of justice.
5 (am) "Drunk driving offense" means any of the following:
6 1. A violation of s. 346.63 or a local ordinance in conformity with that section.
7 2. A violation of a law of a federally recognized American Indian tribe or band
8 in this state in conformity with s. 346.63.
9 3. A violation of the law of another jurisdiction, as defined in s. 340.01 (41m),
10 that prohibits use of a motor vehicle while intoxicated, while under the influence of
11 a controlled substance, a controlled substance analog, or a combination thereof, with
12 an excess or specified range of alcohol concentration, or while under the influence of
13 any drug to a degree that renders the person incapable of safely driving, as those or
14 substantially similar terms are used in that jurisdiction's laws.
15 (bm) "Handgun" means any weapon designed or redesigned, or made or
16 remade, and intended to be fired while held in one hand and to use the energy of an
17 explosive to expel a projectile through a smooth or rifled bore. "Handgun" does not
18 include a machine gun, as defined in s. 941.27 (1), a short–barreled rifle, as defined
19 in s. 941.28 (1) (b), or a short–barreled shotgun, as defined in s. 941.28 (1) (c).
20 (bq) "Intoxicant" means any alcohol beverage, controlled substance, or other
21 drug, or any combination thereof.
22 (c) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).
23 (d) "Licensee" means an individual holding a valid license to carry a concealed
24 weapon issued under this section.
25 (e) "Misdemeanor crime of violence" means any of the following:

1. A misdemeanor violation of chs. 940, 941, or 948 or of s. 947.013 or a violation of s. 947.01.

2. A crime under federal law or the law of another state that is comparable to a crime described in subd. 1.

(eg) "Misdemeanor delinquency adjudication" means a finding that a juvenile is delinquent for an act that would be a misdemeanor if committed by an adult.

(f) "Out–of–state authorization" means a valid permit document or a valid license document issued by another state if all of the following apply:

1. The permit document or license document documents that a person is authorized under the law of that state to carry a concealed weapon in that state.

2. The state is listed in the rule promulgated by the department of justice under s. 165.25 (11) (b).

(g) "Out–of–state licensee" means an individual who is 21 years of age or over, who is not a Wisconsin resident, who has been issued an out–of–state authorization, and who is not prohibited from possessing a firearm under s. 941.29 or from possessing a firearm that has been transported in interstate or foreign commerce under federal law.

(h) "Private property" has the meaning given in s. 943.13 (1e) (e).

(i) "Proprietor" means a person to whom a Class "B" or "Class B" license or permit has been issued under ch. 125.

(ig) "Purpose of authorized analysis" means for the purpose of determining or obtaining evidence of the presence, quantity, or concentration of any intoxicant in a person's blood, breath, or urine.

(is) "Test facility" means a test facility or agency prepared to administer tests under s. 343.305 (2).

1 (j) "Weapon" means a handgun, an electric weapon, as defined in s. 941.295 (4),
2 a tear gas gun, a knife other than a switchblade knife under s. 941.24, or a billy club.
3 **(2)** ISSUANCE OF LICENSE. (a) Except as provided in pars. (b) 1. and (c), each
4 county, through its sheriff, shall issue licenses to carry a concealed weapon to an
5 individual who meets the qualifications specified in sub. (3) and who completes the
6 application process specified in sub. (7). A license to carry a concealed weapon issued
7 under this section shall meet the requirements specified in sub. (2m).
8 (b) 1. A sheriff may, but is not required to, issue licenses to carry a concealed
9 weapon under this section if, before the first day of the 4th month beginning after the
10 effective date of this subdivision .... [revisor inserts date], all of the following occur:
11 a. The sheriff requests the county board of the sheriff's county to authorize him
12 or her to decline to issue licenses to carry a concealed weapon under this section.
13 b. After receiving a request from the sheriff under subd. 1. a., the county board
14 of the sheriff's county grants the sheriff's request by a two–thirds vote of all the
15 members of the board.
16 2. At any time the county board of the sheriff's county may rescind the
17 authorization it grants under subd. 1. by a two–thirds vote of all members of the
18 county board.
19 (c) Any 2 or more sheriffs may by agreement jointly exercise powers granted
20 to them and discharge duties imposed on them under this section. An agreement for
21 joint issuance of licenses to carry a concealed weapon under this section may be
22 entered into at any time and shall satisfy all of the following criteria:
23 1. The agreement shall be in writing.
24 2. The agreement shall be approved by the county board of the county of each
25 sheriff who is a party to the agreement.

2m. The agreement shall specify how the powers and duties that are the subject of the agreement are to be allocated among the sheriffs that are parties to the agreement.

3. The agreement shall specify how costs incurred and moneys received under this section shall be apportioned among the sheriffs who are a party to the agreement and their respective counties.

4. The agreement shall designate one county to be identified as the county of issuance.

5. If a sheriff who is party to an agreement has issued licenses under this section before entering into the agreement, the agreement shall provide for the renewal of any licenses that were issued by that sheriff before he or she entered into the agreement.

(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE DOCUMENT OR AUTHORIZATION. (a) A licensee or an out–of–state licensee may carry a concealed weapon anywhere in this state except as provided under sub. (15m) or (16) or s. 941.20 (1) (b) or 943.13 (1m) (c). This paragraph does not limit the right that a person may have under s. 943.13 (1m) (c) to prohibit a licensee or an out–of–state licensee from entering or remaining in a building used by a health care facility, as defined in s. 150.84 (2), or a clinic or office that is used by a physician licensed under ch. 448 if the licensee or out–of–state licensee is carrying a concealed weapon. In this paragraph, "building" includes a part of a building.

(b) A licensee shall carry his or her license document and an out–of–state licensee shall carry his or her out–of–state authorization at all times during which he or she is going armed with a concealed weapon.

1 (c) If he or she is carrying a concealed weapon, a licensee shall display his or
2 her license document and an out–of–state licensee shall display his or her
3 out–of–state authorization to a law enforcement officer upon the request of the law
4 enforcement officer.

5 **(2i)** PRELIMINARY BREATH SCREENING TEST. (a) *Requirement.* A person shall
6 provide a sample of his or her breath for a preliminary breath screening test if a law
7 enforcement officer has probable cause to believe that the person is violating sub.
8 (16) (cm) 1. and if, prior to an arrest, the law enforcement officer requested that the
9 person provide this sample.

10 (b) *Use of test results.* A law enforcement officer may use the results of a
11 preliminary breath screening test for the purpose of deciding whether or not to arrest
12 a person for a violation of sub. (16) (cm) 1. or for the purpose of deciding whether or
13 not to request a chemical test under sub. (2k). Following the preliminary breath
14 screening test, chemical tests may be required of the person under sub. (2k).

15 (c) *Admissibility.* The result of a preliminary breath screening test is not
16 admissible in any action or proceeding except to show probable cause for an arrest,
17 if the arrest is challenged, or to show that a chemical test was properly required of
18 a person under sub. (2k).

19 (d) *Refusal.* There is no penalty for a violation of par. (a). Neither sub. (17) (b)
20 nor the general penalty provision under s. 939.61 applies to that violation.

21 **(2j)** IMPLIED CONSENT. Any person who carries a concealed weapon in this state
22 is deemed to have given consent to provide one or more samples of his or her breath,
23 blood, or urine for the purpose of authorized analysis as required under sub. (2k).
24 Any person who carries a concealed weapon in this state is deemed to have given

1 consent to submit to one or more chemical tests of his or her breath, blood, or urine
2 for the purpose of authorized analysis as required under sub. (2k).
3 **(2k)** CHEMICAL TESTS. (a) *Requirement.* 1. 'Samples; submission to tests.' A
4 person shall provide one or more samples of his or her breath, blood, or urine for the
5 purpose of authorized analysis if he or she is arrested for a violation of sub. (16) (cm)
6 1. and if he or she is requested to provide the sample by a law enforcement officer.
7 A person shall submit to one or more chemical tests of his or her breath, blood, or
8 urine for the purpose of authorized analysis if he or she is arrested for a violation of
9 sub. (16) (cm) 1. and if he or she is requested to submit to the test by a law
10 enforcement officer.
11 2. 'Information.' A law enforcement officer requesting a person to provide a
12 sample or to submit to a chemical test under subd. 1. shall inform the person of all
13 of the following at the time of the request and prior to obtaining the sample or
14 administering the test:
15 a. That he or she is deemed to have consented to tests under sub. (2i).
16 b. That a refusal to provide a sample or to submit to a chemical test constitutes
17 a violation under par. (e) and is subject to the same penalties and procedures as a
18 violation of sub. (16) (cm) 1.
19 c. That in addition to the designated chemical test under par. (b) 2. he or she
20 may have an additional chemical test under par. (c) 1.
21 3. 'Unconscious person.' A person who is unconscious or otherwise not capable
22 of withdrawing consent is presumed not to have withdrawn consent under this
23 paragraph, and if a law enforcement officer has probable cause to believe that the
24 person violated sub. (16) (cm) 1., one or more chemical tests may be administered to

1 the person without a request under subd. 1. and without providing information
2 under subd. 2.

3 (b) *Chemical tests.* 1. 'Test facility.' Upon the request of a law enforcement
4 officer, a test facility shall administer a chemical test of breath, blood, or urine for
5 the purpose of authorized analysis. A test facility shall be prepared to administer
6 2 of the 3 chemical tests of breath, blood, or urine for the purpose of authorized
7 analysis. The department may enter into agreements for the cooperative use of test
8 facilities.

9 2. 'Designated chemical test.' A test facility shall designate one chemical test
10 of breath, blood, or urine which it is prepared to administer first for the purpose of
11 authorized analysis.

12 3. 'Additional chemical test.' A test facility shall specify one chemical test of
13 breath, blood, or urine, other than the test designated under subd. 2., which it is
14 prepared to administer for the purpose of authorized analysis as an additional
15 chemical test.

16 4. 'Validity; procedure.' A chemical test of blood or urine conducted for the
17 purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties
18 and responsibilities of the laboratory of hygiene, department of health and family
19 services, and department of transportation under s. 343.305 (6) apply to a chemical
20 test of blood or urine conducted for the purpose of authorized analysis under this
21 subsection. Blood may be withdrawn from a person arrested for a violation of sub.
22 (16) (cm) 1. only by a physician, registered nurse, medical technologist, physician
23 assistant, or person acting under the direction of a physician and the person who
24 withdraws the blood, the employer of that person, and any hospital where blood is

withdrawn have immunity from civil or criminal liability as provided under s. 895.53.

5. 'Report.' A test facility which administers a chemical test of breath, blood, or urine for the purpose of authorized analysis under this subsection shall prepare a written report which shall include the findings of the chemical test, the identification of the law enforcement officer or the person who requested a chemical test, and the identification of the person who provided the sample or submitted to the chemical test. The test facility shall transmit a copy of the report to the law enforcement officer and the person who provided the sample or submitted to the chemical test.

(c) *Additional and optional chemical tests.* 1. 'Additional chemical test.' If a person is arrested for a violation of sub. (16) (cm) 1. and if the person is requested to provide a sample or to submit to a test under par. (a) 1., the person may request the test facility to administer the additional chemical test specified under par. (b) 3. or, at his or her own expense, reasonable opportunity to have any qualified person administer a chemical test of his or her breath, blood, or urine for the purpose of authorized analysis.

2. 'Optional test.' If a person is arrested for a violation of sub. (16) (cm) 1. and if the person is not requested to provide a sample or to submit to a test under par. (a) 1., the person may request the test facility to administer a chemical test of his or her breath or, at his or her own expense, reasonable opportunity to have any qualified person administer a chemical test of his or her breath, blood, or urine for the purpose of authorized analysis. If a test facility is unable to perform a chemical test of breath, the person may request the test facility to administer the designated chemical test under par. (b) 2. or the additional chemical test under par. (b) 3.

1 3. 'Compliance with request.' A test facility shall comply with a request under
2 this paragraph to administer any chemical test that it is able to perform.
3 4. 'Inability to obtain chemical test.' The failure or inability of a person to
4 obtain a chemical test at his or her own expense does not preclude the admission of
5 evidence of the results of a chemical test required and administered under pars. (a)
6 and (b).
7 (d) *Admissibility; effect of test results; other evidence.* The results of a chemical
8 test required or administered under par. (a), (b), or (c) are admissible in any civil or
9 criminal action or proceeding arising out of the acts committed by a person alleged
10 to have violated sub. (16) (cm) 1. on the issue of whether the person had alcohol
11 concentrations at or above specified levels or was under the influence of an
12 intoxicant. Results of these chemical tests shall be given the effect required under
13 s. 885.235. This subsection does not limit the right of a law enforcement officer to
14 obtain evidence by any other lawful means.
15 (e) *Refusal.* No person may refuse a lawful request to provide one or more
16 samples of his or her breath, blood, or urine or to submit to one or more chemical tests
17 under par. (a). A person shall not be deemed to refuse to provide a sample or to submit
18 to a chemical test if it is shown by a preponderance of the evidence that the refusal
19 was due to a physical inability to provide the sample or to submit to the test due to
20 a physical disability or disease unrelated to the use of an intoxicant. Issues in any
21 action concerning a violation of par. (a) or this paragraph are limited to:
22 1. Whether the law enforcement officer had probable cause to believe the
23 person was violating or had violated sub. (16) (cm) 1.
24 2. Whether the person was lawfully placed under arrest for violating sub. (16)
25 (cm) 1.

1 3. Whether the law enforcement officer requested the person to provide a
2 sample or to submit to a chemical test and provided the information required under
3 par. (a) 2. or whether the request and information were unnecessary under par. (a)
4 3.

5 4. Whether the person refused to provide a sample or to submit to a chemical
6 test.

7 **(2m)** LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (c), and
8 (d), the department shall design a single license document for licenses issued and
9 renewed under this section. The department shall complete the design of the license
10 document no later than the first day of the 4th month beginning after the effective
11 date of this paragraph .... [revisor inserts date], and shall distribute the design for
12 the license document to any sheriff who issues licenses under sub. (2) (a) or (c) for the
13 sheriff to use for licenses that he or she issues under this section.

14 (b) A license document for a license issued under this section shall contain all
15 of the following on one side:

16 1. The full name, date of birth, and residence address of the licensee.

17 2. A color photograph of the licensee.

18 3. A physical description of the licensee, including gender, height, weight, and
19 hair and eye color.

20 4. The date on which the license was issued.

21 5. The date on which the license expires.

22 6. The name of this state.

23 7. The name of the county that issues the license.

24 8. A unique identification number for each licensee that begins with a unique
25 code number, which the department shall establish, for the county listed in subd. 7.

1 (c) The license document may not contain the licensee's social security number.
2 (d) A license document issued under this section shall be, to the maximum
3 extent possible, tamper proof. The contents of the license document shall be included
4 in the document in substantially the same way that the contents of an operator's
5 license document issued under s. 343.17 are included on that document.
6 **(3)** QUALIFICATIONS FOR OBTAINING A LICENSE. An individual is eligible for a
7 license under this section if all of the following apply:
8 (a) The individual is at least 21 years of age.
9 (b) The individual does not have a physical disability that prevents him or her
10 from safely handling a weapon. The department shall promulgate rules specifying
11 the procedures and definitions that the sheriff is required to apply when determining
12 whether an individual is ineligible for a license under this section because he or she
13 has a physical disability that prevents him or her from safely handling a weapon.
14 (c) The individual is not prohibited under federal law from possessing a firearm
15 that has been transported in interstate or foreign commerce.
16 (d) The individual is not prohibited from possessing a firearm under s. 941.29.
17 (e) During the preceding 3 years, the individual has not been civilly committed
18 under s. 51.20 for being drug dependent.
19 (f) During the preceding 3 years, the individual has not been convicted for any
20 violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch.
21 961 or of a federal law or a law of another state that is comparable to any provision
22 of ch. 961.
23 (g) The individual does not chronically and habitually use alcohol beverages or
24 other substances to the extent that his or her normal faculties are impaired. A person
25 is presumed chronically and habitually to use alcohol beverages or other substances

1 to the extent that his or her normal faculties are impaired if, within the preceding
2 3 years, any of the following applies:
3 1. The individual has been committed for involuntary treatment under s. 51.45
4 (13).
5 2. The individual has been convicted of a violation of s. 941.20 (1) (b).
6 3. In 2 or more cases arising out of separate incidents, a court has found the
7 individual to have committed a drunk driving offense.
8 (h) The individual has done one of the following:
9 2. Successfully completed a National Rifle Association firearm training or
10 firearm safety course or class that meets the requirements under sub. (4m).
11 3. Successfully completed a firearm training or firearm safety course or class
12 that meets the requirements under sub. (4m) and that is conducted by an instructor
13 certified by the state in which the course or class was conducted, by the National Rifle
14 Association, or by another national or state organization that certifies firearms
15 instructors.
16 4. Successfully completed a firearm safety or firearm training course or class
17 that is available to the general public, that meets the requirements under sub. (4m),
18 and that is offered by a law enforcement agency, a private or public school,
19 institution, or organization, or a firearm training school, if the course or class uses
20 instructors certified by the National Rifle Association, by another national or state
21 organization that certifies firearms instructors, or by the department or if the
22 curriculum meets the minimum requirements of the law enforcement standards
23 board.
24 5. Successfully completed a firearm safety or firearm training course or class
25 that meets the requirements under sub. (4m) and that is offered for law enforcement

officers, correctional officers, special deputies, private detectives licensed under s. 440.26, or other security or law enforcement personnel.

6. Participated in organized shooting competitions or military training that gave the applicant experience with firearms that the sheriff determines is substantially equivalent to any course or class specified in subds. 2. to 5.

(i) The individual has not been found incompetent under ch. 880 or, if the individual has been found incompetent under ch. 880, he or she was subsequently found to be competent and at least 5 years have elapsed from the date that he or she was found to be competent.

(im) The individual was not the subject of a protective placement under s. 55.06 as a minor unless at least 5 years have elapsed from the date on which his or her protective placement ended.

(j) The individual has not been involuntarily committed for treatment under s. 51.20 due to mental illness or a developmental disability or, if the individual has been involuntarily committed for treatment under s. 51.20 due to mental illness or a developmental disability, he or she shows, through evidence from a psychiatrist licensed in this state, that he or she has not been disabled due to mental illness or a developmental disability for at least 5 years.

(k) The individual has not been found incompetent under s. 971.14 or, if the individual has been found incompetent under s. 971.14, one of the following applies:

1. He or she was subsequently found to be competent and at least 5 years have elapsed from the date that he or she was found to be competent.

2. He or she was not subsequently found to be competent and he or she shows, through evidence from a psychiatrist licensed in this state, that he or she has not been disabled due to mental illness or a developmental disability for at least 5 years.

1 (L) The individual has not been found not guilty by reason of mental disease
2 or defect under s. 971.17 or, if the individual has been found not guilty by reason of
3 mental disease or defect under s. 971.17, he or she presents evidence from a
4 psychiatrist licensed in this state that he or she has not been disabled due to mental
5 illness or a developmental disability for at least 5 years.

6 (m) Within the preceding 3 years, the individual was not convicted of a
7 misdemeanor crime of violence or was not serving a sentence, on probation, or subject
8 to a dispositional order under ch. 938 for committing a misdemeanor crime of
9 violence.

10 (mg) The individual has not been prohibited from obtaining a license under
11 sub. (10m) based on the individual having committed a misdemeanor crime of
12 violence.

13 (n) The individual has not been charged with a felony or a misdemeanor crime
14 of violence for which the prosecution was suspended under a deferred prosecution
15 agreement unless 3 years have elapsed since the date of the agreement.

16 (o) The individual is not the subject of any pending civil or criminal case, the
17 disposition of which could disqualify him or her from having a license under this
18 subsection.

19 (p) The individual has not previously submitted an application for a license
20 under this section to any county and had the application denied, unless each reason
21 for the denial is no longer applicable because of changed circumstances or, if the
22 denial was based on a restriction under this subsection that applies for a specified
23 period of time, because that time period has run.

24 (q) The individual has not had a license that was issued under this section
25 revoked, unless each reason for the revocation is no longer applicable because of

1 changed circumstances or, if the revocation was based on a restriction under this
2 subsection that applies for a specified period of time, because that time period has
3 run.

4 (r) The individual has not been convicted under sub. (17) (c), (d), or (e).

5 (s) The individual is a Wisconsin resident.

6 **(3m)** FEDERAL PREEMPTION. The requirements under sub. (3) (e), (g) 1., (i), (im),
7 (j), (k), and (L) apply only to a person who may lawfully possess a firearm under
8 federal law.

9 **(4m)** COURSE OR CLASS REQUIREMENTS. A firearm training or firearm safety
10 course or class under sub. (3) (h) 2. to 5. shall provide the person taking the course
11 or class with information regarding electric weapons, as defined in s. 941.295 (4), and
12 shall include all of the following:

13 (a) Instruction on how to handle, load, unload, and store handguns.

14 (b) Instruction on the privilege of self–defense and the defense of others under
15 s. 939.48.

16 (c) Instruction on how to avoid injuring 3rd parties when defending himself,
17 herself, or others in a manner that is privileged under s. 939.48.

18 (d) Basic self–defense principles.

19 (e) Instruction on how to carry a concealed handgun safely.

20 (f) Instruction on firing a handgun.

21 (g) Practice firing a handgun.

22 **(5)** APPLICATION AND RENEWAL FORMS. The department shall design an
23 application form for use by individuals who apply for a license under this section and
24 a renewal form for use by individuals applying for renewal of a license under sub.
25 (15). The department shall complete the design of the application form no later than

1 the first day of the 4th month beginning after the effective date of this subsection ....
2 [revisor inserts date], and shall complete the design of the renewal form no later than
3 the first day of the 54th month beginning after the effective date of this subsection
4 .... [revisor inserts date]. The department shall distribute the designs for both forms
5 to any sheriff who issues licenses under sub. (2) (a) or (c) for use in making the
6 application forms and the license renewal forms described in this section. The forms
7 designed by the department under this subsection shall only require the applicant
8 to provide his or her name, address, date of birth, race, gender, height, weight, and
9 hair and eye color and shall include all of the following:
10 (e) A statement that the applicant is eligible for a license if the requirements
11 specified in sub. (3) are met.
12 (f) A statement explaining the privilege of self–defense and defense of others
13 under s. 939.48, with a place for the applicant to sign his or her name to indicate that
14 he or she has read and understands the statement.
15 (g) A statement that the applicant has received a copy of this section, with a
16 place for the applicant to sign his or her name to indicate that he or she has read and
17 understands the requirements of this section.
18 (h) A statement that the application is being made under oath and that an
19 applicant may be prosecuted if he or she gives a false answer to any question on the
20 application or submits a falsified document with the application.
21 (i) A statement of the penalties for giving a false answer to any question on the
22 application or submitting a falsified document with the application.
23 **(6)** OATH. An applicant shall swear under oath that the information that he or
24 she provides in an application submitted under sub. (7) and any document submitted
25 with the application is true and complete to the best of his or her knowledge.

1 **(7)** SUBMISSION OF APPLICATION. An individual may apply for a license under this
2 section with any sheriff. An applicant shall submit all of the following to the sheriff
3 through whom he or she is applying for a license:
4 (a) An application in the form prescribed under sub. (5) that has been sworn
5 to as required under sub. (6).
6 (bd) A license fee set by the sheriff issuing the license that does not exceed
7 either the cost to the sheriff of issuing a license to an individual under this section,
8 including the cost of equipment purchase or rental, or $75, whichever is less.
9 (bh) The fee for a background check specified in sub. (9g) (c).
10 (bp) A shooting range improvement fee of $15.
11 (bt) A law enforcement excellence fund fee of $15.
12 (d) A photocopy of a certificate or other evidence showing the applicant's
13 qualifications under sub. (3) (h).
14 (e) A full–face photograph of the applicant taken within the 30–day period
15 immediately preceding the date of the applicant's application.
16 **(9)** PROCESSING OF APPLICATION. (a) Upon receiving an application submitted
17 under sub. (7), a sheriff shall request that the department conduct a background
18 check, as provided under sub. (9g).
19 (b) Subject to pars. (c) and (d), within 30 days after receiving an application
20 under sub. (7), a sheriff shall do one of the following:
21 1. Issue the license and promptly send the licensee his or her license document
22 by 1st class mail.
23 2. Deny the application, but only if the applicant fails to qualify under the
24 criteria specified in sub. (3). If the sheriff denies the application, he or she shall

1 inform the applicant in writing, stating the reason and factual basis for the denial
2 to the extent permitted under federal law.
3 (c) Except as provided in sub. (9r) or (10), a sheriff may not issue a license until
4 7 days, subject to extension under sub. (9g) (b) 3. c., have elapsed from the time that
5 the sheriff has received a confirmation number regarding the background check
6 under sub. (9g) (b) 1. from the department, unless the department has notified the
7 sheriff that the background check does not indicate that the applicant is disqualified
8 for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r).
9 (d) The time period specified in par. (b) is tolled during the pendency of any
10 action brought under sub. (10m).
11 **(9g)** BACKGROUND CHECKS. (a) A sheriff shall request that the department
12 conduct a background check by calling the department, using a toll–free telephone
13 number provided by the department, and providing the department with the name,
14 date of birth, gender, and race of the applicant.
15 (b) Upon receiving a request under par. (a), the department shall conduct a
16 background check using the following procedure:
17 1. The department shall provide the sheriff with a confirmation number
18 confirming the receipt of the information under par. (a).
19 2. The department shall conduct the background check regarding an applicant
20 for a license under this section. In conducting a background check under this
21 subdivision, the department shall use the transaction information for management
22 of enforcement system and the national crime information center system.
23 3. The department shall notify the sheriff, either during the initial telephone
24 call or as soon thereafter as practicable, of the results of the background check as
25 follows:

1 a. If the background check indicates that the applicant does not qualify for a
2 license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the
3 department shall provide the sheriff with a unique nonapproval number. The
4 department shall disclose to the sheriff the reason the applicant does not qualify for
5 a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r).
6 b. If the completed background check does not indicate that the applicant is
7 disqualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),
8 (n), (o), or (r), the department shall provide the sheriff with a unique approval
9 number.
10 c. If the background check indicates that the applicant was the subject of a
11 relevant criminal charge for which there is no recorded disposition or if, in the case
12 of a misdemeanor delinquency adjudication, the background check does not indicate
13 how long the resultant dispositional order was in effect, and the 7–day time period
14 described in sub. (9) (c) has not yet run, that time period is extended by 72 hours.
15 The department shall notify the sheriff of the extension as soon as practicable.
16 During the extended period, the department shall make all reasonable efforts to
17 obtain the missing information and shall notify the sheriff of the results of its efforts
18 as soon as practicable.
19 (bm) The department shall conduct the background check under par. (b)
20 immediately if, when requesting it under par. (a), the sheriff informs the department
21 that the background check is for an applicant for an emergency license under sub.
22 (9r).
23 (c) The department shall charge a sheriff a fee of $8 for each background check
24 that the sheriff requests under par. (a), except that the department shall waive the
25 fee if, when requesting the background check, the sheriff informs the department

that the fee is being waived under sub. (9r) (c). The sheriff shall collect the fee from the applicant unless the fee is waived under sub. (9r) (c).

(d) A sheriff shall maintain the original record of all completed application forms and a record of all confirmation numbers and corresponding approval or nonapproval numbers that he or she receives regarding background checks under this subsection. The sheriff shall mail a duplicate copy of each completed application form to the department.

(e) 1. The department shall check each duplicate application form received under par. (d) against the information recorded by the department regarding the corresponding request for a background check under this subsection. If the department previously provided a unique approval number regarding the request and nothing in the duplicate completed application form indicates that the applicant is not qualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the department shall, except as provided in subd. 2., destroy all records regarding that background check within 30 days after receiving the duplicate form. If the department previously provided a unique approval number regarding the request and the duplicate completed application form indicates that the applicant is not qualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the department shall immediately notify the sheriff who issued the license, and the sheriff shall revoke the license.

2. The department may maintain records necessary to administer this subsection and, for a period of not more than 3 years after the department issues a unique approval number, a log of dates of requests for background checks under this subsection together with confirmation numbers and unique approval and nonapproval numbers corresponding to those dates.

1 (f) The department shall promulgate rules authorizing it to obtain records
2 necessary to determine an applicant's eligibility under sub. (3) (e), (g) 1., (i), (im), and
3 (j) for a license issued under this section. The department may not disclose
4 information that it obtains under rules issued under this paragraph except to a
5 sheriff under par. (b) 3. or sub. (9r) (b) 2. or (11) (d) 3.

6 **(9r)** EMERGENCY LICENSE. (a) Unless the sheriff knows that the person is not
7 qualified for a license under sub. (3) (a) to (g) or (i) to (s), a sheriff may issue a license
8 under this section to an individual who does not satisfy the requirements under sub.
9 (3) (h) without regard for the waiting period under sub. (9) (c) if the sheriff determines
10 that immediate licensure is warranted to protect the individual from death or great
11 bodily harm, as defined in s. 939.22 (14). A sheriff who issues a license under this
12 paragraph shall notify the department and request an immediate background check
13 under sub. (9g).

14 (b) 1. Except as provided in subd. 2. and par. (d), a license issued under par. (a)
15 is valid for 120 days from the date on which it is issued and may not be renewed.

16 2. If the department notifies the sheriff that an individual to whom the sheriff
17 has issued a license under par. (a) does not qualify for a license under sub. (3) (c), (d),
18 (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the sheriff shall revoke the license.

19 (c) A sheriff may waive the fees that would otherwise be required under subs.
20 (7) (bd), (bh), (bp), and (bt) and (9g) (c) for an individual who is applying for a license
21 under par. (a) if requiring the individual to pay the fees would create a hardship for
22 the individual. The department shall promulgate rules specifying the procedures
23 and definitions that the sheriff is required to apply when determining whether an
24 individual is eligible for a waiver of the fees for an emergency license under this
25 section as provided under this paragraph.

1 (d) A person who has been issued a license under par. (a) may obtain a license
2 under sub. (2) if he or she meets the qualifications specified under sub. (3) and
3 completes the application process specified in sub. (7). A license issued to a person
4 under par. (a) is void if the person is issued a license under sub. (2).

5 **(10)** EXEMPTION FROM BACKGROUND CHECK. Notwithstanding subs. (9) (a) and
6 (15) (c), a sheriff shall issue or renew a license under this section to any of the
7 following individuals without waiting 7 days or requesting a background check:

8 (a) A law enforcement officer.

9 (b) A correctional officer.

10 (c) A probation, parole, and extended supervision agent.

11 (d) A person who holds a current certification from the law enforcement
12 standards board under s. 165.85 (3) (c).

13 **(10m)** DISQUALIFICATION PETITION REGARDING CERTAIN MISDEMEANANTS. (a) If a
14 sheriff receives an application for a license under this section from a person who has
15 committed a misdemeanor crime of violence and the person is eligible for a license
16 under sub. (3) (m), the sheriff may file a petition under this subsection asking the
17 circuit court to enter an order barring the person from receiving a license. The
18 petition shall allege that the person would pose a substantial risk to others if the
19 person were granted a license under this section.

20 (b) The sheriff shall file any such petition in the circuit court of the sheriff's
21 county, or if applicable, the circuit court of the county of issuance designated under
22 sub. (2) (c). The sheriff may not file the petition more than 30 days after receiving
23 the person's completed application, unless the person was issued a license under sub.
24 (9r). The court shall allow the person 30 days to file an answer to the petition. The
25 court may hold an evidentiary hearing on the petition.

1 (c) If the court determines, by clear and convincing evidence, that the person
2 would pose a substantial risk to others if the person were granted a license under this
3 section, the court shall enter an order prohibiting the person from obtaining a license
4 under this section.

5 (d) If the court denies the sheriff's petition, the court shall award the person
6 costs and reasonable attorney fees.

7 (e) The court shall expedite any proceeding brought under this subsection.

8 **(11)** LICENSEE INFORMATION. (a) A sheriff who issues licenses to carry a
9 concealed weapon under this section shall, within 5 days after issuing a license,
10 notify the department that he or she has issued a license under this section and
11 provide the department with the information specified in sub. (2m) (b) concerning the
12 individual to whom the license was issued.

13 (am) The department shall maintain a computerized record listing the names
14 of all individuals who have been issued a license under this section along with the
15 information concerning each individual that is provided to the department by a
16 sheriff under par. (a). After entering the information that it receives under par. (a),
17 the department may not store, maintain, format, sort, or access the information in
18 any way other than by the name of the licensee or the identification number assigned
19 to the licensee under sub. (2m) (b) 8.

20 (c) 1. The department and any sheriff issuing licenses under this section shall
21 provide information concerning a specific licensee to a law enforcement agency, but
22 only if the law enforcement agency is requesting the information for any of the
23 following purposes:

24 a. To confirm that a license produced by an individual at the request of a law
25 enforcement officer is valid.

1 b. To confirm that the individual holds a valid license under this section, if the
2 individual is going armed with a concealed weapon but is not carrying his or her
3 license document and claims to hold a valid license issued under this section.
4 c. To investigate whether an individual intentionally falsely swore under sub.
5 (6) or (15) (b) 2., intentionally violated sub. (12) (a), or intentionally made a false
6 statement to a sheriff in connection with the individual's request for an emergency
7 license under sub. (9r).
8 2. If the department maintains information compiled under this section
9 regarding licensees through the transaction information for the management of
10 enforcement system and a law enforcement officer uses that system in the context
11 of a vehicle stop that meets the requirements of s. 349.02 (2) (a), the law enforcement
12 officer may only obtain information from that system regarding the licensee's status
13 as a licensee for the purposes listed in subd. 1.
14 (d) 1. In this paragraph:
15 a. "Clerk" means the clerk of the circuit court or, if it has enacted a law or an
16 ordinance in conformity with s. 346.63, the clerk of the court for a federally
17 recognized American Indian tribe or band in this state, a city, a village, or a town.
18 b. "Court automated information systems" means the systems under s. 758.19
19 (4).
20 2. The court automated information systems, or the clerk or register in probate,
21 if the information is not contained in or cannot be transmitted by the court
22 automated information systems, shall promptly notify the department of the name
23 of any individual with respect to whom any of the following occurs and the specific
24 reason for the notification:

1 a. The individual is charged with a felony, a misdemeanor crime of violence, a
2 violation of ch. 961, the solicitation, conspiracy, or attempt to commit any violation
3 of ch. 961, a violation of s. 941.20 (1) (b), a violation of sub. (17) (c), (d), or (e), or any
4 other crime that, upon conviction, would disqualify the individual from having a
5 license under this section.

6 b. The individual is charged with a drunk driving offense.

7 c. The individual is found by a court to have committed any offense described
8 in subd. 2. a. or b.

9 d. Prosecution of a felony or a misdemeanor crime of violence for which the
10 individual is charged is suspended under a deferred prosecution agreement.

11 e. The individual is found incompetent under s. 971.14.

12 f. The individual is found not guilty of any crime by reason of mental disease
13 or mental defect under s. 971.17.

14 g. The individual is involuntarily committed for treatment under s. 51.20 or
15 51.45.

16 h. The individual is found incompetent under ch. 880.

17 i. The individual becomes subject to an injunction described in s. 941.29 (1) (f)
18 or is ordered not to possess a firearm under s. 813.125 (4m).

19 j. A court has prohibited the individual from possessing a dangerous weapon
20 under s. 969.02 (3) (c).

21 3. Upon receiving a notice under subd. 2., the department shall immediately
22 determine if the individual who is the subject of the notice is a licensee, using the list
23 maintained under par. (am). If the department determines that the individual is a
24 licensee, the department shall immediately inform the sheriff of the county that

1 issued the license of the individual's name and the basis for the notice under subd.
2 2.

3 **(12)** UPDATED INFORMATION. (a) Within 10 days after being charged under
4 federal law or the law of another state with any crime or any drunk driving offense,
5 a licensee shall notify the sheriff of the county that issued his or her license of the
6 charge.

7 (b) No later than 30 days after changing his or her address, a licensee shall
8 inform the sheriff of the county that issued the license of his or her new address. The
9 sheriff shall provide the individual's new address to the department for inclusion in
10 the list under sub. (11) (am).

11 **(13)** LOST OR DESTROYED LICENSE. No later than 30 days after losing his or her
12 license document or after his or her license document is destroyed, a licensee shall
13 submit to the sheriff of the county that issued the license a notarized statement that
14 his or her license document has been lost or destroyed. The sheriff shall issue a
15 replacement license document upon receiving the notarized statement and a
16 replacement license fee of $15.

17 **(14)** LICENSE REVOCATION AND SUSPENSION. (a) A sheriff shall revoke a license
18 that his or her county issued under this section if the licensee no longer meets all of
19 the criteria specified in sub. (3) (b) to (g), (i) to (n), or (p) to (s).

20 (am) 1. If any of the following occurs with respect to a licensee, the sheriff of
21 the county that issued the license shall suspend the licensee's license:

22 a. The licensee is the subject of a pending civil or criminal case, the disposition
23 of which could require revocation of his or her license under par. (a).

24 b. A court has prohibited the licensee from possessing a dangerous weapon
25 under s. 969.02 (3) (c).

1 2. If the sheriff suspends a license under subd. 1., he or she shall restore the
2 license if, upon disposition of the case, the person to whom the license was issued
3 meets all of the criteria specified in sub. (3).
4 (b) 1. If a sheriff revokes or suspends a license under this section, the revocation
5 or suspension shall take effect immediately.
6 2. A sheriff who suspends or revokes a license issued under this section shall
7 send the individual whose license has been suspended or revoked notice of the
8 suspension or revocation by certified mail within one day after the suspension or
9 revocation. Within 7 days after receiving the notice, the individual whose license has
10 been suspended or revoked shall deliver the license document personally or by
11 certified mail to the sheriff.
12 **(14m)** APPEALS. (a) A person aggrieved by any action by a sheriff denying an
13 application for a license or suspending or revoking a license under this section may
14 appeal directly to the circuit court of the sheriff's county or, if applicable, to the circuit
15 court of the county of issuance designated under sub. (2) (c).
16 (b) To begin an appeal under this subsection, the aggrieved person shall file a
17 petition for review with the clerk of the applicable circuit court within 30 days after
18 the date of the sheriff's action or, if applicable, within 30 days after the date of the
19 notice provided to the person under sub. (9) (b) 2. The petition shall state the
20 substance of the sheriff's action that the person is appealing from and the grounds
21 upon which the person believes the sheriff's action to be improper. The petition may
22 include a copy of any records or documents that are relevant to the grounds upon
23 which the person believes the sheriff's action to be improper.