



State of Wisconsin
LEGISLATIVE REFERENCE BUREAU

Pt. 03
of 05

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.



State of Wisconsin
2005 - 2006 LEGISLATURE

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LRB-0569/2
MGD:CMH/wjf
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D Note

2005 BILL

FRI - early afternoon

SA
SA for inserts

Hi Patty -
Please review everything that is marked in ink (any color), including pencil markup that is highlighted with ink. (Some of the highlighted pencil markup is new changes and some of it is ~~clarification~~ clarification.)

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Thanks.

Chris *enumber and amend* 29.091, 29.621 (4); 941.23, 941.235 (2) and
2 943.13 (2); *to amend* 23.33 (3) (e), 29.089 (2), 51.20 (13) (cv) 4., 51.20 (16) (gm),
3 51.30 (3) (a), 165.82 (1) (intro.), 175.35 (1) (at), 175.35 (2) (d), 175.35 (2g) (c) 4.
4 a. and b., 175.35 (2k) (ar) 2., 440.26 (3m), 813.12 (6) (am) 1., 813.122 (9) (am)
5 1., 813.125 (5r) (a), 885.235 (1g) (intro.), 941.20 (1) (a), 941.20 (1) (b), 941.295
6 (2) (d), 943.13 (1m) (b) and 943.13 (3); and *to create* 29.091 (2), 29.621 (4) (b),
7 55.06 (17) (d), 59.25 (3) (u), 165.25 (11), 167.31 (4) (ar), 175.35 (1) (am), 175.50,
8 885.235 (1g) (e), 938.396 (8m), 941.20 (1) (bm), 941.23 (1) (a), 941.23 (1) (b),
9 941.23 (1) (c), 941.23 (2), 941.235 (2) (c), 941.237 (3) (ct), 941.295 (2g), 941.295
10 (2r), 943.13 (1e) (bm), 943.13 (1e) (g), 943.13 (1m) (c), 943.13 (2) (bm), 946.32 (3),
11 948.605 (2) (c) and 948.61 (3m) of the statutes; **relating to: carrying ~~or going~~**
12 ~~armed with~~ a concealed weapon, background checks for handgun purchases,

possessing or transporting a
firearm under certain
circumstances

law enforcement

photographic
identification
cards for
retired officers

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sub:sub: Wisconsin law

- 1 requiring the exercise of rule-making authority, providing an exemption from
- 2 rule-making authority, and providing penalties.

the possession of

LPS - change component to Analysis: Sub

Analysis by the Legislative Reference Bureau

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Current Law regarding ~~concealed~~ weapons

Under current law, no person other than a peace officer may go armed with a concealed and dangerous weapon. The "going armed with" language applies to, among others, cases in which a person is carrying a concealed weapon but has not gone and is not going anywhere with it and cases in which a weapon is readily accessible to — but not physically carried by — a person in a car. A person who violates the prohibition on going armed with a concealed and dangerous weapon may be fined not more than \$10,000 or imprisoned for not more than nine months or both. ~~But~~ under *State v. Hamdan*, 2003 WI 113, 264 Wis. 2d 433, it is unconstitutional to apply this prohibition to a person carrying a concealed weapon at his or her own business when: 1) the person's interest in carrying a concealed weapon substantially outweighs the state's interest in enforcing the concealed weapons law; 2) the person has no other reasonable means to keep and handle the weapon; and 3) the person is not motivated by an unlawful purpose in concealing it. The *Hamdan* court also indicated that the constitutional right to keep and bear arms for security must permit a person to carry a concealed weapon under certain circumstances in his or her own home.

In general,

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Current law prohibits, with certain exceptions, going armed with or possessing a firearm in a number of places, such as in a public building, tavern, state park, or wildlife refuge or within 1,000 feet of the grounds of a school. Current law also prohibits, with certain exceptions, carrying a loaded or unencased firearm in an automobile, motorboat, or airplane. Moreover, no person may operate or go armed with a firearm while under the influence of alcohol, a controlled substance, or any other intoxicant. A person who violates one of these prohibitions is subject to civil or criminal penalties.

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Carrying a concealed weapon in your own home or business

sub:
How the bill changes Wisconsin's concealed weapons law

This bill permits a person to go armed with a concealed and dangerous weapon in his or her own home or place of business or on land that he or she owns, leases, or legally occupies, unless the person is prohibited under federal or state law from possessing that weapon (prohibitions that apply to firearms if, among other things, the person has been convicted of a misdemeanor crime of domestic violence or a felony; the person unlawfully uses a controlled substance; the person has been involuntarily committed to a mental health facility; or the person is subject to a stalking, harassment, or domestic abuse restraining order or a harassment, domestic abuse, or child abuse injunction).

Licenses to carry a concealed weapon

This bill creates a procedure by which a person may apply to the Department of Justice (DOJ) for a license to carry a concealed weapon more generally. The license

In most places

Specifically,

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beyond the security checkpoint at

an electric weapon
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authorizes a person to carry (defined in the bill to mean to go armed with) a concealed weapon (defined in the bill as a handgun, ~~revolver~~ a knife other than a switchblade, or a billy club) anywhere in this state except in particular places specified in the bill. These ~~specified~~ places include a police station, sheriff's office, or state patrol station; a prison or jail; a tavern or a restaurant with a liquor license (unless: 1) the person owns or manages the tavern or restaurant; or 2) the person is otherwise authorized to possess a handgun at the tavern or restaurant); a school administration building; an airport; a kindergarten facility; a building owned by the state or a local government if the building provides electronic screening and locked storage for weapons; and any place in which federal law prohibits the carrying of a weapon. Moreover,

Similarly,

In addition, the bill permits a business owner or person in his or her own home to prohibit a licensee from carrying a concealed weapon into the business or home. A private employer may prohibit an employee from carrying a concealed weapon in the course of the employee's employment unless the employee is in his or her own vehicle.

The bill also prohibits any person from carrying a concealed weapon while having a blood alcohol concentration that exceeds 0.08. A law enforcement officer who arrests a person for violating that prohibition or for carrying a concealed weapon while under the influence of an intoxicant may require the person to submit to a breath, blood, or urine test to detect the presence of alcohol, controlled substances, or any other intoxicant.

~~In addition to authorizing licensees to carry concealed weapons, the bill exempts licensees from the prohibition on possessing firearms in a school zone under certain circumstances. Specifically, the bill authorizes a licensee to carry a handgun in a school zone if: 1) the licensee is in a motor vehicle or on a snowmobile or bicycle; 2) the licensee has exited from a motor vehicle and is encasing the handgun or storing it in the motor vehicle; or 3) the licensee is traveling directly between any two of the following places: any person's private property, the licensee's place of employment or business, or a place outside of the school zone. This exemption does not apply if the licensee is on the school grounds.~~

Licensing requirements and procedure

Under the bill, DOJ must issue a license to carry a concealed weapon to a person who meets the qualifications established in the bill for the license.

severe

The bill specifies the requirements that a person must satisfy to qualify for a license to carry a concealed weapon. Included among the requirements are the following: 1) he or she must be at least 21 years old; 2) he or she must not have a physical disability that prevents him or her from safely handling a weapon; 3) he or she must be eligible to possess a firearm under federal law; 4) he or she must not be prohibited from possessing a firearm under state law due to a felony conviction, a juvenile delinquency adjudication, an order issued in a civil commitment case, or any other order prohibiting the person from possessing a firearm; 5) he or she must not have been committed for the treatment of drug dependency during the preceding three years; 6) he or she must not have been convicted of an offense relating to controlled substances during the preceding three years; 7) he or she must not

an applicant

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been

that was taught by an instructor who is certified by DOJ and that covered

chronically or habitually use alcohol or other substances to the extent that his or her normal faculties are impaired; 8) with some exceptions, he or she must have successfully completed a firearms training or safety course or class ~~covering~~ certain topics specified in the bill; 9) he or she must not have been subject to a finding of incompetency, the subject of a protective placement as a minor based on a developmental disability, found not guilty of a crime by reason of mental disease or mental defect, or involuntarily committed for treatment of mental illness during the preceding five years; 10) he or she must not have been convicted of one of a set of specified misdemeanors or ^{be} serving a sentence for committing such a misdemeanor within the preceding three years; and 11) he or she must be a Wisconsin resident.

In addition, the bill requires DOJ to conduct a background check of a person who applies for a license to carry a concealed weapon to help determine the person's eligibility for a license. The background check requirement does not apply to a person applying for a license if the person is a law enforcement officer, a correctional officer, a probation and parole agent, or a person holding a current certification from the law enforcement standards board.

If DOJ determines that an applicant for a license is ineligible under one of these requirements, DOJ must deny the person's application. Otherwise, DOJ must issue the person a license within 21 days of receiving the completed application.

Furthermore, the bill does all of the following:

1. Allows DOJ to issue an emergency license to an individual if DOJ determines that immediate licensure is warranted to protect the individual from death or great bodily harm.

2. Provides that a license to carry a concealed weapon is valid for five years ^{and} establishes a renewal procedure that includes a background check of the person renewing the license.

4 ⁴ 4. Requires DOJ to revoke a license to carry a concealed weapon if the licensee no longer meets all of the requirements for licensure.

5. Requires DOJ to suspend a license to carry a concealed weapon if the licensee is the subject of a civil or criminal case that may ultimately lead to the revocation of the license or if the licensee, after being charged with a misdemeanor, is ordered by the court not to possess a firearm.

6. Provides that a person whose application for a license is denied or whose license is suspended or revoked by DOJ may appeal DOJ's action to circuit court for review by a judge.

7. Specifies the information that must be on a license to carry a concealed weapon and an application for such a license and requires DOJ to design the form of the license and the license application and renewal forms.

8. Requires DOJ to keep a computerized list of licensees but specifies that DOJ may provide information from that list regarding a specific licensee only to law enforcement agencies and only in certain specified circumstances.

9. Requires each circuit court, through its computer system, or the clerk of the court or the register in probate if the court's computer system cannot do so, to notify DOJ of court proceedings relating to licensees and nonlicensees (including juvenile delinquency and mental health commitment proceedings that are closed to the

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public) if those proceedings will require suspension or revocation of the person's license if he or she is a licensee.

10. Requires each licensee to notify DOJ within ten days after being charged with a crime or a drunk driving offense under federal law or the law of another state.

11. Requires a person who applies for, or applies to renew, a license to carry a concealed weapon to pay the following: (a) a \$52 application fee to be deposited into the general fund of the state; (b) a \$15 shooting range improvement fee, to be deposited with the county in which the applicant resides, to be used for shooting range improvement grants awarded by the sheriff of the county; and (c) an \$8 background check fee (unless, in the case of a person applying for an emergency license, DOJ waives the fee) to be deposited into the general fund of the state.

12. Grants immunity from liability for conduct undertaken in good faith under the bill to DOJ and its employees; sheriffs and their employees; various other court and county employees; persons providing firearm training or safety classes; business or nonprofit organizations that permit persons to carry concealed weapons on their property; and employers that permit their employees to carry concealed weapons.

13. Treats a license or permit issued by another state in the same manner as a license issued under this bill if the state required the person to submit to a background check as a condition of licensure and to undergo firearm training that has requirements that are similar to the firearm training requirements for licensure in this state.

New and revised penalties

The bill establishes new penalties and changes certain others for offenses relating to licenses to carry a concealed weapon. First, a licensee who fails to carry his or her license document, or who fails to display it upon the request of a law enforcement officer while the person is carrying a concealed weapon may be required to forfeit \$25. Second, a licensee who carries a concealed weapon in a place where the license does not authorize him or her to do so, other than a home or business where a resident or business owner has imposed his or her own restriction on carrying a concealed weapon, may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. Third, if a person has a blood alcohol concentration that exceeds 0.08 or is under the influence of an intoxicant while carrying a concealed weapon, the person may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. The same penalties apply if, after a person is arrested for carrying a concealed weapon under those circumstances, he or she refuses to submit to a breath, blood, or urine test. At the same time, the bill exempts a licensee who is carrying a concealed handgun from the prohibition in current law against going armed with a firearm while under the influence of an intoxicant, a conviction for which would otherwise result in: 1) the person being subject, as a Class A misdemeanor, to a maximum fine of \$10,000 or a maximum term of imprisonment of nine months or both; and 2) the person being ineligible for a license. Fourth, under current law, possession of a firearm in a school zone is a Class I felony (punishable by a maximum fine of \$10,000 or a maximum term of imprisonment of three and one-half years or both), while possessing other types of dangerous weapons on school grounds is a Class A misdemeanor or, for a repeat offender, a Class I felony. A

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or photo identification

either

3 or committed by licensees

for certain weapons offenses

\$10,000

9 months

while having a prohibited alcohol concentration

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(generally for three years but permanently for a repeat offender)

conviction under either of these provisions would also make a person ineligible for a license. This bill exempts licensees from these penalties. Instead, licensees who carry handguns in a school zone in places or under circumstances in which he or she may not do so or who carry electric weapons, knives, or billy clubs on school grounds are subject to a maximum fine of \$1,000 or a maximum term of imprisonment of 90 days or both. Fifth, a person who does any of the following must be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than nine months:

- 1) intentionally makes a false statement in an application for a license;
- 2) intentionally fails to report being charged under federal law or the law of another state with any crime or any drunk driving offense within ten days after being charged; or
- 3) intentionally fails to relinquish a license document to DOJ after the license has been revoked.

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, and becomes ineligible for a license permanently

Sub: **Background checks for handgun purchasers**

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This bill makes certain changes in the law relating to background checks for handgun purchasers. Under current law, when a person seeks to purchase a handgun from a licensed handgun dealer, the dealer must ask DOJ to conduct a background check on the person. In conducting the background check, DOJ searches DOJ records to determine whether the person is ineligible to possess a firearm under state law, but it does not attempt to determine whether federal law bars the person from possessing a firearm based on criteria not covered by state law. This bill requires DOJ, when conducting a background check on a prospective handgun purchaser, to determine whether the person has been the subject of a court order or finding in a Wisconsin court based on the person's mental health that would render the person ineligible to possess a firearm under federal law. Specifically, DOJ must determine if:

- 1) the person was the subject of a court order committing the person for treatment in an inpatient mental health facility or a finding by a court that the person is a danger to himself or herself or others or lacks the mental capacity to contract or manage his or her own affairs;
- 2) the person did not commence the proceeding in which the order was entered or the finding was made; and
- 3) the order or finding was based on the person having markedly subnormal intelligence or the person's mental illness, incompetency, condition, or disease.

If DOJ determines that the prospective purchaser was the subject of such an order or determination the dealer may not sell the person a handgun.

e finding

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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who possesses

1 SECTION 1. 23.33 (3) (e) ^{4.} of the statutes is ^{created} amended to read:

fix component

2 23.33 (3) (e) ^{4.} With any firearm in his or her possession unless it is unloaded and
3 enclosed in a carrying case, or. This paragraph does not apply to the possession of

4 a handgun, as defined in s. 175.50 (1) (bm) ^{(1)(d)} by a person who holds a ~~valid~~ license ^{(1)(d)} to
5 carry a concealed weapon issued under s. 175.50 or ~~(b)~~ an out-of-state licensee, as
6 defined in s. 175.50 (1) (g). ^{as defined in}

PLAN

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7 ~~(cm) With any bow unless it is unstrung or enclosed in a carrying case~~

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8 SECTION 2. 29.089 (2) of the statutes is ^{renumbered 29.089(2)(intro.)} amended to read:

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9 29.089 (2) ^(intro.) Except as provided in sub. (3), no person may have in his or her
10 possession or under his or her control a firearm on land located in state parks or state
11 fish hatcheries unless the firearm is unloaded and enclosed within a carrying case.

INS 7/11

Section #. (2) 29.089 (2)(d)

12 ~~This subsection does not apply if the firearm is a handgun, as defined in s. 175.50 (1)~~
13 ~~(bm) and the person holds a ^{(no 4) A} license to carry a concealed weapon issued under~~
14 ~~s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).~~ ^{(1)(d)}

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15 SECTION 3. 29.091 of the statutes is renumbered 29.091 (1) and amended to
16 read: ^{as defined in}

17 29.091 (1) No person may hunt or trap within any wildlife refuge established
18 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession
19 or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,
20 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
21 within a carrying case. The taking of predatory game birds and animals shall be done
22 as the department directs. All state wildlife refuge boundary lines shall be marked
23 by posts placed at intervals of not over 500 feet and bearing signs with the words
24 "Wisconsin Wildlife Refuge". ^(d)

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

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if the gun or firearm is

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

5 ~~Section 5, 29.621 (4) of the statutes is renumbered 29.621 (4) (a) and amended~~
 6 ~~to read:~~ , as defined in

7 ~~29.621 (4) (a) Except as provided in s. 29.091 (1), no owner of a wildlife refuge,~~
 8 ~~and no other person, may hunt or trap within the boundaries of any wildlife refuge~~
 9 ~~or, except as provided in par. (b), have in his or her possession or under his or her~~
 10 ~~control in the wildlife refuge a gun, firearm, bow or crossbow, unless the gun or~~
 11 ~~firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or~~
 12 ~~crossbow is enclosed within a carrying case. Nothing in this section may prohibit,~~
 13 ~~prevent or interfere with the department in the destruction of injurious animals.~~

14 **SECTION 6.** 29.621 (4) (b) of the statutes is created to read: if the gun or
 15 29.621 (4) (b) ~~The prohibition of the possession or control of a loaded or~~
 16 ~~unencased gun or firearm in par. (a) does not apply to the possession of a handgun,~~
 17 ~~as defined in s. 175.50 (1) (bm) by a person who holds a valid license to carry a~~
 18 ~~concealed weapon issued under s. 175.50, or an out-of-state licensee, as defined in~~
 19 ~~s. 175.50 (1) (g).~~ , as defined in

20 **SECTION 7.** 51.20 (13) (cv) 4. of the statutes is amended to read:
 21 51.20 (13) (cv) 4. If the court prohibits a subject individual from possessing a
 22 firearm under subd. 1. or cancels a prohibition under subd. 2., the court clerk shall
 23 notify the department of justice of that fact and provide any information identifying
 24 the subject individual that is necessary to permit an accurate involuntary
 25 commitment history record search under s. 175.35 (2g) (c) or a background check

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stays

if the gun or
firearm is

, as defined in

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1 under s. 175.50 (9g) (b). No other information from the subject individual's court
2 records may be disclosed to the department of justice except by order of the court.
3 The department of justice may disclose information provided under this subdivision
4 only as part of an involuntary commitment history record search under s. 175.35 (2g)
5 (c).

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

7 **51.20 (16) (gm)** Upon a request under par. (a), a court may cancel the
8 prohibition under sub. (13) (cv) 1. if the court determines, based on evidence
9 presented on the issue of the subject individual's dangerousness, that there no longer
10 is a substantial probability that the individual may use a firearm to cause physical
11 harm to himself or herself or endanger public safety. If a court cancels a prohibition
12 under sub. (13) (cv) 1. under this paragraph, the court clerk shall notify the
13 department of justice of that fact and provide any information identifying the subject
14 individual that is necessary to permit an accurate involuntary commitment record
15 search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b). No
16 other information from the subject individual's court records may be disclosed to the
17 department of justice except by order of the court.

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

19 **51.30 (3) (a)** Except as provided in pars. (b) and (c) and s. 175.50 (11) (d) 2. g.
20 and 3. and under rules that the department of justice promulgates under s. 175.35
21 (2g) (c) 3. or 175.50 (9g) (f), the files and records of the court proceedings under this
22 chapter shall be closed but shall be accessible to any individual who is the subject of
23 a petition filed under this chapter.

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

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1 55.06 (17) (d) Notwithstanding par. (a), information from records described in
2 par. (a) may be disclosed under rules that the department of justice promulgates
3 under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f).

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

5 59.25 (3) (u) 1. Establish a segregated fund, the proceeds of which may be used
6 by the ~~state~~ ^{county} to award shooting range grants under s. 175.50 (20m).

7 2. Deposit into the segregated fund created under subd. 1. all moneys received
8 under s. 175.50 (7) (bp) or (15) (b) 4. c.

9 3. Make payments from the fund established under subd. 1. as directed by the
10 ~~state~~ ^{county}.

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

12 165.25 (11) LIST OF CONCEALED-CARRY LICENSE APPROVED STATES. Determine
13 which states issue permits or licenses to carry a concealed weapon to persons who
14 ~~meet firearms training requirements similar to those in s. 175.50 (4m) (a) to (g) and~~
15 pass criminal background checks in those states and promulgate by rule a list of
16 those states. ✓

17 **SECTION 13.** 165.82 (1) (intro.) of the statutes is amended to read:

18 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
19 impose the following fees, plus any surcharge required under sub (1m), for criminal
20 history searches for purposes unrelated to criminal justice or to s. 175.35 or 175.50.

21 ~~**SECTION 14.** 167.31 (4) (ar) of the statutes is created to read:~~

22 ~~167.31 (4) (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply~~
23 ~~to the placement, possession, transportation, or loading of a handgun, as defined in~~
24 ~~s. 175.50 (1) (bm) a person who holds a ^{§4} valid license to carry a concealed weapon~~
25 ~~issued under s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).~~

, as defined in

, if the firearm is

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1 **SECTION 15.** 175.35 (1) (am) of the statutes is created to read:

2 175.35 (1) (am) “Disqualifying mental health adjudication” means one of the
3 following events if it occurs in a proceeding that was not commenced by the person
4 who is the subject of the proceeding and if it is based on the person having markedly
5 subnormal intelligence or the person’s mental illness, incompetency, condition, or
6 disease:

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

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

12 **SECTION 16.** 175.35 (1) (at) of the statutes is amended to read:

13 175.35 (1) (at) “Firearms restrictions record search” means a search of
14 department of justice records to determine whether a person seeking to purchase a
15 handgun is prohibited from possessing a firearm under s. 941.29 or based on a
16 disqualifying mental health adjudication. “Firearms restriction record search”
17 includes a criminal history record search, a search to determine whether a person is
18 prohibited from possessing a firearm under s. 51.20 (13) (cv), a search to determine
19 whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal
20 injunction, as defined in s. 813.12 (1) (e), issued by a court established by any
21 federally recognized Wisconsin Indian tribe or band, except the Menominee Indian
22 tribe of Wisconsin, that includes notice to the respondent that he or she is subject to
23 the requirements and penalties under s. 941.29 and that has been filed with the
24 circuit court under s. 806.247 (3), and a search to determine whether the person is
25 prohibited from possessing a firearm under s. 813.125 (4m).

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1 **SECTION 17.** 175.35 (2) (d) of the statutes is amended to read:

2 175.35 (2) (d) Forty-eight hours, subject to extension under sub. (2g) (c) 4. c.,
3 have elapsed from the time that the firearms dealer has received a confirmation
4 number regarding the firearms restrictions record search under sub. (2g) (c) from the
5 department of justice and the firearms dealer has not been notified that the transfer
6 would be in violation of s. 941.29 or that the transferee would be prohibited from
7 possessing a firearm based on a disqualifying mental health adjudication.

8 **SECTION 18.** 175.35 (2g) (c) 4. a. and b. of the statutes are amended to read:

9 175.35 (2g) (c) 4. a. If the search indicates that the transferee is prohibited from
10 possessing a firearm under s. 941.29 or based on a disqualifying mental health
11 adjudication, the department shall provide the firearms dealer with a unique
12 nonapproval number. The department may not disclose to the firearms dealer the
13 reason the transferee is prohibited from possessing a firearm under s. 941.29.

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

17 **SECTION 19.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

18 175.35 (2k) (ar) 2. Check each duplicate notification form received under sub.
19 (2j) against the information recorded by the department regarding the corresponding
20 request for a firearms restrictions record search under sub. (2g). If the department
21 previously provided a unique approval number regarding the request and nothing
22 in the duplicate completed notification form indicates that the transferee is
23 prohibited from possessing a firearm under s. 941.29 or based on a disqualifying
24 mental health adjudication, the department shall destroy all records regarding that
25 firearms restrictions record search within 30 days after receiving the duplicate form.

NS 12/25 A ✓ and 12/25 B ✓ and 12/25 C ✓

BILL

1 **SECTION 20.** 175.50 of the statutes is created to read:

2 **175.50 License to carry a concealed weapon.** (1) **DEFINITIONS.** In this
3 section:

4 (ab) “Alcohol beverages” has the meaning given in s. 125.02 (1).

5 (abm) “Alcohol concentration” has the meaning given in s. 340.01 (1v).

6 (ac) “Background check” means a search of department and court records
7 conducted under sub. (9g) to determine a person’s eligibility for a license to carry a
8 concealed weapon.

9 (ag) Except in subs. (2g) (b) and (11) (c) 1. b., “carry” means to go armed with.

10 (ah) “Controlled substance” means a controlled substance, as defined in s.
11 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).

12 (aj) “Department” means the department of justice.

13 (am) “Drunk driving offense” means any of the following:

14 1. A violation of s. 346.63 or a local ordinance in conformity with that section.

15 2. A violation of a law of a federally recognized American Indian tribe or band
16 in this state in conformity with s. 346.63.

17 3. A violation of the law of another jurisdiction, as defined in s. 340.01 (41m),
18 that prohibits use of a motor vehicle while intoxicated, while under the influence of
19 a controlled substance, a controlled substance analog, or a combination thereof, with
20 an excess or specified range of alcohol concentration, or while under the influence of
21 any drug to a degree that renders the person incapable of safely driving, as those or
22 substantially similar terms are used in that jurisdiction’s laws.

23 (bm) “Handgun” means any weapon designed or redesigned, or made or
24 remade, and intended to be fired while held in one hand and to use the energy of an
25 explosive to expel a projectile through a smooth or rifled bore. “Handgun” does not

BILL

1 include a machine gun, as defined in s. 941.27 (1), a short-barreled rifle, as defined
2 in s. 941.28 (1) (b), or a short-barreled shotgun, as defined in s. 941.28 (1) (c).

3 (bq) "Intoxicant" means any alcohol beverage, controlled substance, or other
4 drug, or any combination thereof.

5 (c) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

6 (d) "Licensee" means an individual holding a valid license to carry a concealed
7 weapon issued under this section.

8 (e) "Misdemeanor crime of violence" means any of the following:

9 1. A misdemeanor violation of chs. 940, 941, or 948 or of s. 947.013 or a violation
10 of s. 947.01 ^{or of sub.} 175.50 (2k) (e) or (1b) (cm) ~~or~~

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

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

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

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

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

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

BILL

④ (gm) "photo identification card" means an operator's license issued under ch. 343 or an identification card issued under s. 343.50. ✓

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- (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).
- (j) "Weapon" means a handgun, an electric weapon, as defined in s. 941.295 (4), a knife other than a switchblade knife under s. 941.24, or a billy club.

(2) ISSUANCE OF LICENSE. The department shall issue licenses to carry a concealed weapon to an individual who meets the qualifications specified in sub. (3) and who completes the application process specified in sub. (7). A license to carry a concealed weapon issued under this section shall meet the requirements specified in sub. (2m).

(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).

(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.

(c) If he or she is carrying a concealed weapon, a licensee shall display his or her license document and an out-of-state licensee shall display his or her

and photo identification card

BILL

1 out-of-state authorization to a law enforcement officer upon the request of the law
2 enforcement officer.

3 (2i) PRELIMINARY BREATH SCREENING TEST. (a) *Requirement.* A person shall
4 provide a sample of his or her breath for a preliminary breath screening test if a law
5 enforcement officer has probable cause to believe that the person is violating sub.
6 (16) (cm) (1) and if, prior to an arrest, the law enforcement officer requested that the
7 person provide this sample.

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

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

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

19 (2j) IMPLIED CONSENT. Any person who carries a concealed weapon in this state
20 is deemed to have given consent to provide one or more samples of his or her breath,
21 blood, or urine for the purpose of authorized analysis as required under sub. (2k).
22 Any person who carries a concealed weapon in this state is deemed to have given
23 consent to submit to one or more chemical tests of his or her breath, blood, or urine
24 for the purpose of authorized analysis as required under sub. (2k).

BILL

1 **(2k) CHEMICAL TESTS.** (a) *Requirement.* 1. ‘Samples; submission to tests.’ A
2 person shall provide one or more samples of his or her breath, blood, or urine for the
3 purpose of authorized analysis if he or she is arrested for a violation of sub. (16) (cm)
4 1. and if he or she is requested to provide the sample by a law enforcement officer.
5 A person shall submit to one or more chemical tests of his or her breath, blood, or
6 urine for the purpose of authorized analysis if he or she is arrested for a violation of
7 sub. (16) (cm) 1. and if he or she is requested to submit to the test by a law
8 enforcement officer.

9 2. ‘Information.’ A law enforcement officer requesting a person to provide a
10 sample or to submit to a chemical test under subd. 1. shall inform the person of all
11 of the following at the time of the request and prior to obtaining the sample or
12 administering the test:

13 a. That he or she is deemed to have consented to tests under sub. (2i).

14 b. That a refusal to provide a sample or to submit to a chemical test constitutes
15 a violation under par. (e) and is subject to the same penalties and procedures as a
16 violation of sub. (16) (cm) 1.

17 c. That in addition to the designated chemical test under par. (b) 2. he or she
18 may have an additional chemical test under par. (c) 1.

19 3. ‘Unconscious person.’ A person who is unconscious or otherwise not capable
20 of withdrawing consent is presumed not to have withdrawn consent under this
21 paragraph, and if a law enforcement officer has probable cause to believe that the
22 person violated sub. (16) (cm) 1. one or more chemical tests may be administered to
23 the person without a request under subd. 1. and without providing information
24 under subd. 2.

BILL

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

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

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

14 4. ‘Validity; procedure.’ A chemical test of blood or urine conducted for the
15 purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties
16 and responsibilities of the laboratory of hygiene, department of health and family
17 services, and department of transportation under s. 343.305 (6) apply to a chemical
18 test of blood or urine conducted for the purpose of authorized analysis under this
19 subsection. Blood may be withdrawn from a person arrested for a violation of sub.
20 (16) (cm) (1) only by a physician, registered nurse, medical technologist, physician
21 assistant, or person acting under the direction of a physician and the person who
22 withdraws the blood, the employer of that person, and any hospital where blood is
23 withdrawn have immunity from civil or criminal liability as provided under s.
24 895.53.

BILL

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

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

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

24 3. 'Compliance with request.' A test facility shall comply with a request under
25 this paragraph to administer any chemical test that it is able to perform.

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1 4. 'Inability to obtain chemical test.' The failure or inability of a person to
2 obtain a chemical test at his or her own expense does not preclude the admission of
3 evidence of the results of a chemical test required and administered under pars. (a)
4 and (b).

5 (d) *Admissibility; effect of test results; other evidence.* The results of a chemical
6 test required or administered under par. (a), (b), or (c) are admissible in any civil or
7 criminal action or proceeding arising out of the acts committed by a person alleged
8 to have violated sub. (16) (cm) (1) on the issue of whether the person had alcohol
9 concentrations at or above specified levels or was under the influence of an
10 intoxicant. Results of these chemical tests shall be given the effect required under
11 s. 885.235. This subsection does not limit the right of a law enforcement officer to
12 obtain evidence by any other lawful means.

13 (e) *Refusal.* No person may refuse a lawful request to provide one or more
14 samples of his or her breath, blood, or urine or to submit to one or more chemical tests
15 under par. (a). A person shall not be deemed to refuse to provide a sample or to submit
16 to a chemical test if it is shown by a preponderance of the evidence that the refusal
17 was due to a physical inability to provide the sample or to submit to the test due to
18 a physical disability or disease unrelated to the use of an intoxicant. Issues in any
19 action concerning a violation of par. (a) or this paragraph are limited to:

20 1. Whether the law enforcement officer had probable cause to believe the
21 person was violating or had violated sub. (16) (cm) (1).

22 2. Whether the person was lawfully placed under arrest for violating sub. (16)
23 (cm) (1).

24 3. Whether the law enforcement officer requested the person to provide a
25 sample or to submit to a chemical test and provided the information required under

BILL

1 par. (a) 2. or whether the request and information were unnecessary under par. (a)

2 3.

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

5 **(2m)** LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (c), and
6 (d), the department shall design a single license document for licenses issued and
7 renewed under this section. The department shall complete the design of the license
8 document no later than the first day of the ^{2nd} month beginning after the effective
9 date of this paragraph [revisor inserts date].

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

12 1. The full name, date of birth, ^{and} residence address, and county of residence ⁹¹ of
13 the licensee.

14 2. A physical description of the licensee, including sex, height, weight, and hair
15 and eye color.

16 3. The date on which the license was issued.

17 4. The date on which the license expires.

18 5. The name of this state.

19 6. A unique identification number for each licensee.

20 (c) ^{subsection} The license document may not contain the licensee's social security number.

21 (d) A license document issued under this section shall be, to the maximum
22 extent possible, tamper proof. The contents of the license document shall be included
23 in the document in substantially the same way that the contents of an operator's
24 license document issued under s. 343.17 are included in that document.

BILL

and that, if the individual were handling a weapon, would cause the individual to pose a significant public safety risk

severe

severe severe

SECTION 20

use 2x

1 (3) QUALIFICATIONS FOR OBTAINING A LICENSE. An individual is eligible for a
2 license under this section if all of the following apply:

3 (a) The individual is at least 21 years of age.

4 (b) The individual does not have a ^{severe} physical disability that prevents him or her
5 from safely handling a weapon. The department shall promulgate rules specifying
6 the procedures and definitions that it is required to apply when determining whether
7 an individual is ineligible for a license under this section because he or she has a
8 physical disability that prevents him or her from safely handling a weapon.

9 (c) The individual is not prohibited under federal law from possessing a firearm
10 that has been transported in interstate or foreign commerce.

11 (d) The individual is not prohibited from possessing a firearm under s. 941.29.

12 (e) During the preceding 3 years, the individual has not been committed under
13 s. 51.20 for being drug dependent.

14 (f) During the preceding 3 years, the individual has not been convicted for any
15 violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch.
16 961 or of a federal law or a law of another state that is comparable to any provision
17 of ch. 961.

18 (g) The individual does not chronically and habitually use alcohol beverages or
19 other substances to the extent that his or her normal faculties are impaired. A person
20 is presumed chronically and habitually to use alcohol beverages or other substances
21 to the extent that his or her normal faculties are impaired if, within the preceding
22 3 years, any of the following applies:

23 1. The individual has been committed for involuntary treatment under s. 51.45

24 (13).

25 2. The individual has been convicted of a violation of s. 941.20 (1) (b).

BILL

1 3. In 2 or more cases arising out of separate incidents, a court has found the
2 individual to have committed a drunk driving offense.

3 (h) The individual has done one of the following:

4 1. Successfully completed a National Rifle Association firearm training or
5 firearm safety course or class that meets the requirements under sub. (4m).

6 (1) ~~2~~ Successfully completed a firearm training or firearm safety course or class
7 that meets the requirements under sub. (3m) ~~(a)~~ and that is conducted by an instructor
8 certified by the state in which the course or class was conducted, by the National Rifle
9 Association, or by another national or state organization that certifies firearms
10 instructors.

11 2, ~~2~~ Been certified as described in sub. ~~(a)~~ ^{under sub. (3m)(b) ✓} as an instructor of a firearm training
12 or firearm safety course or class.

13 4. Successfully completed a firearm safety or firearm training course or class
14 that is available to the general public, that meets the requirements under sub. (4m),
15 and that is offered by a law enforcement agency, a private or public school,
16 institution, or organization, or a firearm training school, if the course or class uses
17 instructors certified by the National Rifle Association, by another national or state
18 organization that certifies firearms instructors, or by the department or if the
19 curriculum meets the minimum requirements of the law enforcement standards
20 board.

21 5. Successfully completed a firearm safety or firearm training course or class
22 that meets the requirements under sub. (4m) and that is offered for law enforcement
23 officers, correctional officers, special deputies, private detectives licensed under s.
24 440.26, or other security or law enforcement personnel.

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SECTION 20
law enforcement, or security

1 3. ~~a~~ Participated in organized shooting competitions or military training that
2 gave the applicant experience with firearms that the department determines is
3 substantially equivalent to any course or class ^{that meets the requirements under sub} (f)(a)
4 ~~(specified in subs. 1, 2, 4, or 5)~~

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

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

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

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

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

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

24 (L) The individual has not been found not guilty by reason of mental disease
25 or defect under s. 971.17 or, if the individual has been found not guilty by reason of

BILL

1 mental disease or defect under s. 971.17, he or she presents evidence from a
2 psychiatrist licensed in this state that he or she has not been disabled due to mental
3 illness or a developmental disability for at least 5 years.

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

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

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

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

19 (q) The individual has not had a license that was issued under this section
20 revoked, unless each reason for the revocation is no longer applicable because of
21 changed circumstances or, if the revocation was based on a restriction under this
22 subsection that applies for a specified period of time, because that time period has
23 run.

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

25 (s) The individual is a Wisconsin resident.

BILL

3m

(a)

1 ~~(b)~~ COURSE OR CLASS REQUIREMENTS. A firearm training or firearm safety
2 course or class under sub. (3) (h) 1. 2., 4. or 5. shall include all of the following:

3 ^{1.} (a) Instruction on how to handle, load, unload, and store handguns.

4 ^{2.} (b) Instruction on the privilege of self-defense and the defense of others under
5 s. 939.48.

6 ^{3.} (c) Instruction on how to avoid injuring 3rd parties when defending himself,
7 himself, or others in a manner that is privileged under s. 939.48.

8 ^{4.} (d) Basic self-defense principles.

9 ^{5.} (e) Instruction on how to carry a concealed handgun safely.

10 ^{6.} (f) Instruction on firing a handgun.

INS 11
26-11

11 ^{7.} (g) Practice firing a handgun.

12 (5) APPLICATION AND RENEWAL FORMS. The department shall design an
13 application form for use by individuals who apply for a license under this section and
14 a renewal form for use by individuals applying for renewal of a license under sub.
15 (15). The department shall complete the design of the application form no later than
16 the first day of the ^{2nd} 4th month beginning after the effective date of this subsection
17 [revisor inserts date], and shall complete the design of the renewal form no later than
18 the first day of the ³⁶ 5th month beginning after the effective date of this subsection
19 [revisor inserts date]. The department shall make available both forms on the
20 Internet or by mail upon request. The forms designed by the department under this
21 subsection shall require the applicant to provide only his or her name, address, date
22 of birth, race, sex, height, weight, and hair and eye color and shall include all of the
23 following:

24 (e) A statement that the applicant is eligible for a license if the requirements
25 specified in sub. (3) are met.

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1 (f) A statement explaining the privilege of self-defense and defense of others
2 under s. 939.48, with a place for the applicant to sign his or her name to indicate that
3 he or she has read and understands the statement.

4 (g) A statement, with a place for the applicant to sign his or her name, to
5 indicate that the applicant has read and understands the requirements of this
6 section.

must include a notarized statement as described under sub. (6)

7 (h) A statement that the application ~~is being made under oath~~ and that an
8 applicant may be prosecuted if he or she gives a false answer to any question on the
9 application or submits a falsified document with the application.

10 (i) A statement of the penalties for giving a false answer to any question on the
11 application or submitting a falsified document with the application.

12 (6) ~~ANN.~~ An applicant shall ~~swear under oath~~ that ^{Notarized statement (S)} ~~the information that he or~~ ^{submit a notarized statement}
13 she provides in an application submitted under sub. (7) and any document submitted ^{reports that}
14 with the application is true and complete to the best of his or her knowledge.

15 (7) SUBMISSION OF APPLICATION. An individual may apply for a license under this
16 section with the department by submitting to the department all of the following:

17 (a) An application in the form prescribed under sub. (5) that ~~has been sworn~~
18 ^{to} as required under sub. (6).

includes a notarized statement

19 (bd) A license fee of \$52.

20 (bh) A fee for a background check of \$8.

21 (bp) A shooting range improvement fee of \$15 written as a separate check,
22 made out to the applicant's county of residence, that the department shall
23 immediately forward to that county *on at least a quarterly basis*

24 (d) A photocopy of a certificate or other evidence showing the applicant's
25 qualifications under sub. (3) (h).

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1 (9) PROCESSING OF APPLICATION. (a) Upon receiving an application submitted
2 under sub. (7), the department shall conduct a background check, as provided under
3 sub. (9g).

4 → (b) Subject to par. (c), within 21 days after receiving an application under sub.
5 (7), the department shall do one of the following:

6 1. Issue the license and promptly send the licensee his or her license document
7 by 1st class mail.

8 2. Deny the application, but only if the applicant fails to qualify under the
9 criteria specified in sub. (3). If the department denies the application, the
10 department shall inform the applicant in writing, stating the reason and factual
11 basis for the denial to the extent permitted under federal law.

12 (c) Except as provided in sub. (9r) or (10), the department may not issue a
13 license until 7 days, subject to extension under sub. (9g) (b) 3. c., have elapsed from
14 the creation of a confirmation number regarding the background check under sub.
15 (9g) (b) 1., unless the background check does not indicate that the applicant is
16 disqualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),
17 (n), (o), or (r).

18 (9g) BACKGROUND CHECKS. (b) The department shall conduct a background
19 check regarding an applicant for a license using the following procedure:

20 1. The department shall create a confirmation number associated with the
21 applicant.

22 2. The department shall use the transaction information for management of
23 enforcement system and the national crime information center system.

24 3. As soon as practicable, the department shall do the following:

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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), create
3 a unique nonapproval number for the applicant.

4 b. If the completed background check does not indicate that the applicant is
5 disqualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),
6 (n), (o), or (r), create a unique approval number for the applicant.

7 c. If the background check indicates that the applicant was the subject of a
8 relevant criminal charge for which there is no recorded disposition or if, in the case
9 of a misdemeanor delinquency adjudication, the background check does not indicate
10 how long the resultant dispositional order was in effect, and the 7-day time period
11 described in sub. (9) (c) has not yet run, extend that time period by 72 hours and,
12 during the extended period, make all reasonable efforts to obtain the missing
13 information.

14 (c) The department shall conduct the background check under par. (b)
15 immediately if the background check is for an applicant for an emergency license
16 under sub. (9r). ✓

17 (d) The department shall maintain the record of all completed application
18 forms and a record of all confirmation numbers and corresponding approval or
19 nonapproval numbers regarding background checks under this subsection.

20 (e) 1. The department shall check each application form under par. (d) against
21 the information recorded by the department regarding the corresponding request for
22 a background check under this subsection. If the department previously provided
23 a unique approval number regarding the request and nothing in the completed
24 application form indicates that the applicant is not qualified for a license under sub.
25 (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the department shall,

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1 except as provided in subd. 2., destroy all records regarding that background check
2 within 30 days after receiving the form. If the department previously provided a
3 unique approval number regarding the request and the completed application form
4 indicates that the applicant is not qualified for a license under sub. (3) (c), (d), (e), (f),
5 (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the department shall immediately revoke
6 the license.

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

12 (f) The department shall promulgate rules authorizing it to obtain records
13 necessary to determine an applicant's eligibility under sub. (3) (e), (g) 1., (i), (im), and
14 (j) for a license issued under this section.

15 **(9r) EMERGENCY LICENSE.** (a) Unless the department knows that the person is
16 not qualified for a license under sub. (3) (a) to (g) or (i) to (s), the department may
17 issue a license under this section to an individual who does not satisfy the
18 requirements under sub. (3) (h) ~~without regard for the waiting period under sub. (9)~~
19 ~~(d) if the department determines that immediate licensure is warranted to protect~~
20 the individual from death or great bodily harm, as defined in s. 939.22 (14). If the
21 department issues a license under this paragraph it shall conduct an immediate
22 background check under sub. (9g).

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

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

4 (c) ^{The} department may waive the fees that would otherwise be required under
5 sub. (7) (bd), (bh), and (bp) for an individual who is applying for a license under par.
6 (a) if requiring the individual to pay the fees would create a hardship for the
7 individual. The department shall promulgate rules specifying the procedures and
8 definitions to apply when determining whether an individual is eligible for a waiver
9 of the fees for an emergency license under this section as provided under this
10 paragraph.

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

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

18 (a) A law enforcement officer.

19 (b) A correctional officer.

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

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

23 (11) LICENSEE INFORMATION. (a) The department shall maintain a computerized
24 record listing the names and the information specified in sub. (2m) (b) of all
25 individuals who have been issued a license under this section. After entering all of

BILL

1 the information, the department may not store, maintain, format, sort, or access the
2 information in any way other than by the name of the licensee or the identification
3 number assigned to the licensee under sub. (2m) (b) 6.

4 (c) 1. The department shall provide information concerning a specific licensee
5 to a law enforcement agency, but only if the law enforcement agency is requesting the
6 information for any of the following purposes:

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

9 b. To confirm that the individual holds a valid license under this section, if the
10 individual is going armed with a concealed weapon but is not carrying his or her
11 license document and claims to hold a valid license issued under this section.

12 c. To investigate whether an individual ^{submitted an} intentionally ^{notarized} false statement
13 ~~intentionally~~ ~~swore~~ under sub. (6) or (15) (b) 2., intentionally violated sub. (12) (a), or intentionally made a false
14 statement to the department in connection with the individual's request for an
15 emergency license under sub. (9r). ✓

16 2. If the department maintains information compiled under this section
17 regarding licensees through the transaction information for the management of
18 enforcement system and a law enforcement officer uses that system in the context
19 of a vehicle stop that meets the requirements of s. 349.02 (2) (a), the law enforcement
20 officer may obtain information from that system regarding the licensee's status as
21 a licensee only for the purposes listed in subd. 1.

22 (d) 1. In this paragraph:

23 a. "Clerk" means the clerk of the circuit court or, if it has enacted a law or an
24 ordinance in conformity with s. 346.63, the clerk of the court for a federally
25 recognized American Indian tribe or band in this state, a city, a village, or a town.

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1 b. “Court automated information systems” means the systems under s. 758.19
2 (4).

3 2. The court automated information systems, or the clerk or register in probate,
4 if the information is not contained in or cannot be transmitted by the court
5 automated information systems, shall promptly notify the department of the name
6 of any individual with respect to whom any of the following occurs and the specific
7 reason for the notification:

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

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

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

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

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

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

21 g. The individual is involuntarily committed for treatment under s. 51.20 or
22 51.45.

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

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

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

3 3. Upon receiving a notice under subd. 2., the department shall immediately
4 determine if the individual who is the subject of the notice is a licensee, using the list
5 maintained under par. (am). ^{e a}

6 (12) UPDATED INFORMATION. (a) Within 10 days after being charged under
7 federal law or the law of another state with any crime or any drunk driving offense,
8 a licensee shall notify the department of the charge.

9 (b) No later than 30 days after changing his or her address, a licensee shall
10 inform the department of his or her new address. The department shall include the
11 individual's new address in the list under sub. (11) (a).

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

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

20 (am) 1. If any of the following occurs with respect to a licensee, the department
21 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).

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1 2. If the department suspends a license under subd. 1., it 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) *and* the department shall restore the
4 license within 14 days of receiving
5 the disposition

6 (b) 1. If the department revokes or suspends a license under this section, the
7 revocation or suspension shall take effect immediately.

8 2. If the department suspends or revokes a license issued under this section,
9 it shall send the individual whose license has been suspended or revoked notice of
10 the suspension or revocation by certified mail within one day after the suspension
11 or revocation. Within 7 days after receiving the notice, the individual whose license
12 has been suspended or revoked shall deliver the license document personally or by
13 certified mail to the department.

14 (14m) APPEALS. (a) A person aggrieved by any action by the department
15 denying an application for a license, or suspending or revoking a license under this
16 section, may appeal directly to the circuit court of his or her county.
17 or denying certification as an instructor under sub. (3m) (b)

18 (b) To begin an appeal under this subsection, the aggrieved person shall file a
19 petition for review with the clerk of the applicable circuit court within 30 days after
20 the date of the department's action or, if applicable, within 30 days after the date of
21 the notice provided to the person under sub. (9) (b) 2. The petition shall state the
22 substance of the department's action that the person is appealing from and the
23 grounds upon which the person believes the department's action to be improper. The
24 petition may include a copy of any records or documents that are relevant to the
25 grounds upon which the person believes the department's action to be improper.

26 (c) A copy of the petition shall be served upon the department either personally
27 or by registered or certified mail within 5 days after the person files his or her petition
28 under par. (b).

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1 (d) The department shall file an answer within 15 days after being served with
2 the petition under par. (c). The answer shall include a brief statement of the actions
3 taken by the department, and a copy of any documents or records on which the
4 department based its action shall be included with the answer when filed.

5 (e) The court shall review the petition, the answer, and any records or
6 documents submitted with the petition or the answer. The review under this
7 paragraph shall be conducted by the court without a jury and shall be confined to the
8 petition, the answer, and any records or documents submitted with the petition or
9 the answer, except that in cases of alleged irregularities in procedure by the
10 department the court may take testimony that the court determines is appropriate.

11 (f) The court shall affirm the department's action unless the court finds any of
12 the following:

13 1. That the department failed to follow procedure prescribed under this section.

14 2. That the department erroneously interpreted a provision of law and a correct
15 interpretation compels a different action.

16 3. That the department's action depends on a finding of fact that is not
17 supported by substantial evidence in the record.

18 (g) The court's decision shall provide whatever relief is appropriate regardless
19 of the original form of the petition.

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par. (e) and

20 (15) LICENSE EXPIRATION AND RENEWAL. (a) Except as provided in sub. (9r) (b)

21 1., a license issued under this section is valid for a period of 5 years from the date on
22 which the license is issued unless the license is suspended or revoked under sub. (9g)

23 (e) 1. or (14).

24 (b) The department shall design a notice of expiration form. At least 90 days
25 before the expiration date of a license issued under this section, the department shall

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1 mail to the licensee a notice of expiration form and a form for renewing the license.
2 The department shall renew the license if, before the date the license expires, the
3 licensee does all of the following:

4 1. Submits a renewal application on the form provided by the department.

5 2. Submits a notarized affidavit swearing under oath ^{Statement reporting} that the information
6 provided under subd. 1. is true and complete to the best of his or her knowledge and
7 that he or she is qualified under sub. (3).

8 4. Pays all of the following:

9 a. A ~~\$12~~^{\$21} renewal fee.

10 b. A fee for a background check of \$8.

11 c. A shooting range improvement fee of \$15 written as a separate check, made
12 out to the applicant's county of residence, that the department shall immediately
13 forward to that county. ^{on at least a quarterly basis}

14 (c) The department shall conduct a background check of a licensee as provided
15 under sub. (9g) before renewing the licensee's license under par. (b).

16 (d) If an individual whose license has expired does not submit a renewal
17 application under par. (b) before 6 months after the expiration date, the license shall
18 permanently expire. An individual whose license has permanently expired may be
19 issued a new license if he or she applies for a license under sub. (7).

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20 (15m) PRIVATE EMPLOYER RESTRICTIONS. (a) Except as provided in par. (b), a
21 private employer may prohibit a licensee or an out-of-state licensee that it employs
22 from carrying a concealed weapon or a particular type of concealed weapon in the
23 course of the licensee's or out-of-state licensee's employment or during any part of
24 the licensee's or out-of-state licensee's course of employment.

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1 (b) A private employer may not prohibit a licensee or an out-of-state licensee,
2 as a condition of employment, from carrying a concealed weapon or a particular type
3 of concealed weapon in the licensee's or out-of-state licensee's own motor vehicle,
4 regardless of whether the motor vehicle is used in the course of employment.

5 (16) PROHIBITED ACTIVITY. (a) Neither a licensee nor an out-of-state licensee
6 may knowingly carry a concealed weapon in any of the following places:

7 1. A place that has been declared a nuisance under ch. 823.

8 2. A police station, sheriff's office, or state patrol station. This subdivision does
9 not prohibit a peace officer who is acting within the scope of his or her employment
10 from carrying a concealed weapon in a police station, sheriff's office, or state patrol
11 station.

12 3. A prison, jail, house of correction, or secured correctional facility.

13 4. A courthouse, except that a judge who is a licensee may carry a concealed
14 weapon in a courthouse in which he or she is presiding in court and may permit in
15 writing any other licensee or out-of-state licensee to carry a concealed weapon in a
16 courthouse in which he or she is presiding in court.

17 5. A place at which a school, college, or professional athletic event is taking
18 place, unless the event is related to firearms and the licensee or out-of-state licensee
19 is a participant in the event.

20 6. A school administration building.

21 7. Any premises for which a Class "B" or "Class B" license or permit has been
22 issued under ch. 125, unless one of the following applies:

23 a. The licensee or the out-of-state licensee is a person described in s. 941.237

24 (3) (a), (b), (c), (cm), or (d).

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1 b. If the licensee or the out-of-state licensee is carrying a handgun, his or her
2 possession of the handgun is described in s. 941.237 (3) (e), (f), (g), (h), (i), or (j).

3 8. ~~An~~ airport, unless the weapon is encased for shipment as baggage to be
4 transported by aircraft.

5 9. A place in which carrying the weapon is prohibited by federal law.

6 10. A kindergarten facility or classroom.

7 (at) Neither a licensee nor an out-of-state licensee may carry a concealed
8 weapon in a building owned or leased by the state or any political subdivision of the
9 state if the building provides electronic screening for weapons at all public entrances
10 to the building and for the locked storage of weapons on the premises while the
11 licensee or out-of-state licensee is in the building. This paragraph does not apply
12 to:

13 1. Peace officers or armed forces or military personnel who go armed in the line
14 of duty.

15 2. A person authorized to carry a weapon in the building by the chief of police
16 of the city, village, or town or the sheriff of the county in which the building is located.

17 3. A person authorized to carry a weapon in the building by the chief of the
18 capitol police, if the building is owned or leased by the state.

19 (b) Neither a licensee nor an out-of-state licensee may knowingly carry a
20 handgun in a school zone, as defined in s. 948.605 (1) (c), unless he or she is not in
21 or on the grounds of a school, as defined in s. 948.61 (1) (b), and one of the following
22 applies:

23 1. The individual is in a motor vehicle or on a snowmobile or bicycle.

24 2. The individual has exited a motor vehicle and is encasing the handgun or
25 storing it in the motor vehicle.

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In or beyond a security checkpoint in

BILL

1 3. The individual is traveling directly to any person's private property from his
2 or her place of employment or business, from any person's private property, or from
3 a place outside of the school zone.

4 4. The individual is traveling directly to his or her place of employment or
5 business from another place of his or her employment or business, from any person's
6 private property, or from a place outside of the school zone.

7 5. The individual is traveling directly to a place outside of the school zone from
8 another place outside of the school zone, from any individual's private property, or
9 from his or her place of employment or business.

10 6. The individual's possession of the handgun is described in s. 948.605 (2) (b).

11 (c) Neither a licensee nor an out-of-state licensee may ^{knowingly} carry a weapon other
12 than a handgun on school premises, as defined in s. 948.61 (1) (c), unless he or she
13 is a person described in or a person whose conduct is described in s. 948.61 (3).

14 (cm) 1. A person may not carry a concealed weapon if any of the following

15 ~~applies~~ his or her

16 ~~a. The person's~~ ^{no 9} alcohol concentration exceeds 0.08.

17 ~~b. The person is under the influence of an intoxicant to a degree which~~
18 ~~materially impairs his or her ability to handle the weapon.~~ s. 941.20(1)(bg)

19 ~~2. A person may be charged with and a prosecutor may proceed upon a~~
20 ~~complaint based upon a violation of subd. 1. a. or b. or both for acts arising out of the~~
21 ~~same incident or occurrence. If the person is charged with violating both subd. 1. a.~~
22 ~~and b., the offenses shall be joined. Subdivision 1. a. and b. each requires proof of a~~
23 ~~fact for conviction which the other does not require.~~

24 ~~(d) This subsection does not apply to a peace officer, as defined in s. 939.22 (22).~~

IN ₁₀₃ ~~Paragraphs~~ Paragraphs (a), (at), (b), and (c)

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1 (17) PENALTIES. (a) Any person who violates sub. (2g) (b) or (c) may be required
2 to forfeit not more than \$25. (a), (at), (b), or (c)

3 (b) Any person who violates sub. ~~(2k) or~~ (16) may be fined not more than
4 \$1,000 or imprisoned for not more than 90 days or both.

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5 (c) Any person who intentionally submits an false swears under sub. (6) or (15) (b) 2. or
6 who intentionally makes a false statement to the department in requesting or in
7 connection with the issuance of an emergency license under sub. (9r) shall be fined
8 not less than \$500 nor more than \$10,000 and may be imprisoned for not more than
9 9 months. ✓

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10 (d) Any person who intentionally violates sub. (12) (a) shall be fined not less
11 than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months. ✓

12 (e) Any person required under sub. (14) (b) 2. to relinquish or deliver a license
13 document to the department who intentionally violates the requirements of that
14 subdivision shall be fined not less than \$500 nor more than \$10,000 and may be
15 imprisoned for not more than 9 months.

16 (18) ACCESS TO RECORDS. Records created or kept under this section by the
17 department, other than reports created under sub. (19), are not subject to access
18 under s. 19.35.

19 (19) STATISTICAL REPORT. (a) By February 1 of each year, the department shall
20 create a statistical report indicating the number of licenses applied for, issued,
21 denied, suspended, and revoked under this section during the previous calendar
22 year. For the licenses denied, the report shall indicate the reasons for the denials and
23 the part of the application process during which the reasons for denial were
24 discovered. For the licenses suspended or revoked, the report shall indicate the
25 reasons for the suspensions and revocations.

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SECTION 20

1 (b) By March 1 of each year, the department shall submit a statistical report
2 to the legislature under s. 13.172 (2) and to the governor that is compiled from the
3 reports submitted under par. (a) and that indicates the number of licenses applied
4 for, issued, denied, suspended, and revoked under this section during the previous
5 calendar year. For the licenses denied, the report shall indicate the reasons for the
6 denials and the part of the application process in which the reasons for denial were
7 discovered. For the licenses suspended or revoked, the report shall indicate the
8 reasons for the suspensions and revocations.

9 (20m) GRANTS FOR SHOOTING RANGES. (a) Using the fees collected under subs.
10 (7) (bp) and (15) (b) 4. c., a ~~recipient sheriff~~^{county} shall award grants to persons for
11 construction or improvement of shooting ranges.

12 (b) A grant awarded under this subsection may be for up to 50 percent of the
13 cost of the construction or improvement of the shooting range. A grant awarded
14 under this subsection may not be used to pay for any of the following:

15 1. The construction of clubhouses and facilities that are not essential to the
16 operation of the shooting range.

17 2. The operation and maintenance of the shooting range.

18 (c) In order to receive a grant under this subsection, the person creating or
19 improving a shooting range shall agree to provide ~~for a fee of not more than \$20~~^{the facility for} a
20 firearm safety course or class that ~~will qualify an individual to satisfy the~~^{meets the requirements under sub. (3m) (a)}
21 ~~requirements under sub. (3) (h) for a license to carry a concealed weapon.~~

22 (d) In determining whether to make a grant under this subsection to a
23 particular applicant, the ~~sheriff~~^{county} shall consider the potential of the project to meet the
24 needs of firearm safety courses or classes that meet the requirements under sub.

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1 (am) in the area served by the shooting range relative to the proposed cost of the
2 construction or improvement.

3 (21) IMMUNITY. (a) The department and its employees, sheriffs and their
4 employees, clerks, as defined in sub. (11) (d) 1. a., and their staff, court automated
5 information systems, as defined under sub. (11) (d) 1. b., and its ^{their} employees, and
6 counties and their employees are immune from liability arising from any act or
7 omission under this section, if done in good faith.

8 (b) A person providing a firearm safety or firearm training course or class in
9 good faith is immune from liability arising from any act or omission related to the
10 course or class if the course or class is one described in sub. (3) (h).

11 (c) A business or a nonprofit organization ^{or person} that permits a person ^{or an individual} to carry a
12 concealed weapon on property that ^{the person} owns or occupies is immune from any liability
13 arising from its decision to do so, if done in good faith.

14 (d) An employer that permits any of its employees to carry a concealed weapon
15 under sub. (15m) is immune from any liability arising from its decision to do so, if
16 done in good faith.

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17 SECTION 21. 440.26 (3m) ^(d) of the statutes is ^{created} amended to read:

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18 440.26 (3m) ~~RULES CONCERNING DANGEROUS WEAPONS~~ The department shall
19 promulgate rules relating to the carrying of dangerous weapons by a person who
20 holds a license or permit issued under this section or who is employed by a person
21 licensed under this section. The rules shall allow the person to go armed with a
22 concealed weapon as permitted under s. 175.50 if the person is licensed under that
23 section and shall meet the minimum requirements specified in 15 USC 5902 (b).

24 SECTION 22. 813.12 (6) (am) 1. of the statutes is amended to read:

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1 813.12 (6) (am) 1. If an injunction is issued or extended under sub. (4) or if a
2 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify
3 the department of justice of the injunction and shall provide the department of
4 justice with information concerning the period during which the injunction is in
5 effect and information necessary to identify the respondent for purposes of a firearms
6 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
7 175.50 (9g) (b).

8 **SECTION 23.** 813.122 (9) (am) 1. of the statutes is amended to read:

9 813.122 (9) (am) 1. If an injunction is issued or extended under sub. (5), the
10 clerk of the circuit court shall notify the department of justice of the injunction and
11 shall provide the department of justice with information concerning the period
12 during which the injunction is in effect and information necessary to identify the
13 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
14 (c) or a background check under s. 175.50 (9g) (b).

15 **SECTION 24.** 813.125 (5r) (a) of the statutes is amended to read:

16 813.125 (5r) (a) If an order prohibiting a respondent from possessing a firearm
17 is issued under sub. (4m), the clerk of the circuit court shall notify the department
18 of justice of the existence of the order prohibiting a respondent from possessing a
19 firearm and shall provide the department of justice with information concerning the
20 period during which the order is in effect and information necessary to identify the
21 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
22 (c) or a background check under s. 175.50 (9g) (b).

23 **SECTION 25.** 885.235 (1g) (intro.) of the statutes is amended to read:

24 885.235 (1g) (intro.) In any action or proceeding in which it is material to prove
25 that a person was under the influence of an intoxicant or had a prohibited alcohol

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1 concentration or a specified alcohol concentration while operating or driving a motor
2 vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating
3 a motorboat, except a sailboat operating under sail alone, while operating a
4 snowmobile, while operating an all-terrain vehicle, while going armed with a
5 concealed weapon, or while handling a firearm, evidence of the amount of alcohol in
6 the person's blood at the time in question, as shown by chemical analysis of a sample
7 of the person's blood or urine or evidence of the amount of alcohol in the person's
8 breath, is admissible on the issue of whether he or she was under the influence of an
9 intoxicant or had a prohibited alcohol concentration or a specified alcohol
10 concentration if the sample was taken within 3 hours after the event to be proved.
11 The chemical analysis shall be given effect as follows without requiring any expert
12 testimony as to its effect:

13 **SECTION 26.** 885.235 (1g) (e) of the statutes is created to read:

14 885.235 (1g) (e) In a case brought under s. 175.50 (16) (cm) (1. a. or b.), the fact
15 that the analysis shows that the person had an alcohol concentration of more than
16 0.0 but less than 0.08 is relevant evidence on the issue of whether the person ~~was~~
17 ~~intoxicated~~ or had an alcohol concentration of 0.08 or more but is not to be given any
18 prima facie effect. In a case brought under s. 175.50 (16) (cm) (1. a.), the fact that the
19 analysis shows that the person had an alcohol concentration of 0.08 or more is prima
20 facie evidence that he or she had an alcohol concentration of 0.08 or more.

21 **SECTION 27.** 938.396 (8m) of the statutes is created to read:

22 938.396 ~~(8m)~~ (a) Notwithstanding sub. (2), if a juvenile is adjudged delinquent
23 for an act that would be a misdemeanor crime of violence, as defined in s. 175.50 (1)
24 (e), if committed by an adult, the court clerk shall notify the department of justice
25 of that fact. Except as provided in par. (b), no other information from the juvenile's

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1 court records may be disclosed to the department of justice except by order of the
2 court.

3 (b) If an applicant for a license to carry a concealed weapon under s. 175.50 was
4 adjudicated delinquent as a juvenile in a case covered by par. (a), the department of
5 justice may request permission to review court records relating to the case for the
6 purpose of determining whether the applicant meets the requirement under s.
7 175.50 (8) (m). Upon receiving such a request, the court shall open for inspection by
8 authorized representatives of the department of justice the records of the court
9 relating to that case.

10 SECTION 28. 941.20 (1) (a) of the statutes is amended to read:

11 (NS) 11
46-10
12 941.20 (1) (a) Endangers another's safety by the negligent operation or
handling of a dangerous weapon; ~~or,~~

13 SECTION 29. 941.20 (1) (b) of the statutes is amended to read:

14 941.20 (1) (b) Operates ~~or goes armed with~~ a firearm while he or she is under
15 the influence of an intoxicant; ~~or,~~ g

16 SECTION 30. 941.20 (1) (bm) of the statutes is created to read:

17 941.20 (1) (bm) Goes armed with a firearm while he or she is under the
18 influence of an intoxicant. This paragraph does not apply to a licensee, as defined
19 in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g), who goes
20 armed with a concealed handgun, as defined in s. 175.50 (1) (bm), while he or she is
21 under the influence of an intoxicant or while he or she has an alcohol concentration,
22 as defined in s. 340.01 (1v), that exceeds 0.08.

23 SECTION 31. 941.23 of the statutes is renumbered 941.23 (1) (intro.) and
24 amended to read:

2

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

INS
47/3A, 4

~~SECTION 32. 941.23 (1) (a) of the statutes is created to read:~~

INS
47/3Be, 6

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

SECTION 33. 941.23 (1) (b) of the statutes is created to read:

INS
47/3C 7

941.23 (1) (b) A licensee

~~An individual holding a valid license under s. 175.50 or
authorized under the law of another state to go armed with a concealed weapon in~~

as defined in (1)(d)

that state, if the dangerous weapon is a weapon, as defined under s. 175.50 (1) (j).

SECTION 34. 941.23 (1) (c) of the statutes is created to read:

941.23 (1) (c) An individual who goes armed with a concealed and dangerous
weapon, as defined in s. 175.50 (1) (j), in his or her own dwelling or place of business
or on land that he or she owns, leases, or legally occupies, unless he or she is
prohibited under federal or state law from possessing that weapon.

~~SECTION 35. 941.23 (2) of the statutes is created to read?~~

no 9

~~941.23 (2) An individual formerly licensed under s. 175.50 whose license has
been suspended or revoked under s. 175.50 (14) may not assert his or her refusal to
accept or failure to receive a notice of revocation or suspension mailed under s. 175.50
(14) (b) 2. as a defense to prosecution under sub. (1), regardless of whether the person
has complied with s. 175.50 (12).~~

this subsection

INS
47/20A
47/20B

SECTION 36. 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and
amended to read:

941.235 (2) (intro.) This section does not apply to peace any of the following:

(a) Peace officers or armed forces or military personnel who go armed in the line
of duty or to any.

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INS 48/3

1 (b) A person duly authorized by the chief of police of any city, village or town,
2 the chief of the capitol police or the sheriff of any county to possess a firearm in any
3 building under sub. (1).

4 SECTION 37. 941.235 (2) (e) of the statutes is created to read:

INS 48/5e

5 941.235 (2) (e) ~~An individual holding a valid license under s. 175.50 or~~
6 ~~authorized under the law of another state to go armed with a concealed weapon, as~~
7 ~~defined in s. 175.50 (1) (j), if the firearm is a handgun, as defined in s. 175.50 (1) (bm).~~

INS 48/7

8 SECTION 38. 941.237 (3) (c) of the statutes is created to read:

INS 48/9e

9 941.237 (3) (c) ~~An individual holding a valid license under s. 175.50 or~~
10 ~~authorized under the law of another state to go armed with a concealed weapon in~~
11 ~~that state.~~

INS 48/11

12 SECTION 39. 941.295 (2) (d) of the statutes is amended to read:

13 941.295 (2) (d) Any manufacturer or seller ~~whose of~~ electric weapons ~~are used~~
14 ~~in this state solely by persons, unless the manufacturer or seller engages in the~~
15 ~~conduct described in sub. (1) with the intent to provide an electric weapon to someone~~
16 ~~other than a person specified in pars. (a) to (c) or sub. (2g) (a) or to a person for use~~
17 ~~in his or her dwelling or place of business or on land that he or she owns, leases, or~~
18 ~~legally occupies.~~

19 SECTION 40. 941.295 (2g) of the statutes is created to read:

20 941.295 (2g) The prohibition in sub. (1) on possessing or going armed with an
21 electric weapon does not apply to any of the following:

INS 48/22e

22 (a) ~~An individual holding a valid license under s. 175.50 or authorized under~~
23 ~~the law of another state to go armed with a concealed weapon in that state.~~

24 (b) An individual who goes armed with an electric weapon in his or her own
25 dwelling or place of business or on land that he or she owns, leases, or legally

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1 occupies, unless he or she is prohibited under federal or state law from possessing
2 that weapon.

3 **SECTION 41.** 941.295 (2r) of the statutes is created to read:

4 941.295 (2r) The prohibition in sub. (1) on transporting an electric weapon does
5 not apply to any of the following: *NS 49/6e*

6 (a) An individual holding a valid license under s. 175.50 or authorized under
7 the law of another state to go armed with a concealed weapon in that state.

8 (b) An individual who transports an electric weapon from any of the following
9 places to any of the following places:

- 10 1. His or her dwelling.
- 11 2. His or her own place of business.
- 12 3. Land that he or she owns, leases, or legally occupies.

13 **SECTION 42.** 943.13 (1e) (bm) of the statutes is created to read:

14 943.13 (1e) (bm) "Licensee" means a licensee, as defined in s. 175.50 (1) (d), or
15 an out-of-state licensee, as defined in s. 175.50 (1) (g).

16 **SECTION 43.** 943.13 (1e) (g) of the statutes is created to read:

17 943.13 (1e) (g) "Weapon" has the meaning given in s. 175.50 (1) (j).

18 **SECTION 44.** 943.13 (1m) (b) of the statutes is amended to read:

19 943.13 (1m) (b) Enters or remains on any land of another after having been
20 notified by the owner or occupant not to enter or remain on the premises. This
21 paragraph does not apply to a licensee if the owner's or occupant's intent is to prevent
22 the licensee from going armed with a concealed weapon on the owner's or occupant's
23 land.

24 **SECTION 45.** 943.13 (1m) (c) of the statutes is created to read:

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1 943.13 (1m) (c) 1. While going armed with a concealed weapon, enters or
2 remains at a residence that the person does not own or occupy after the owner of the
3 residence, if he or she has not leased it to another person, or the occupant of the
4 residence has notified the actor not to enter or remain at the residence while going
5 armed with a concealed weapon or with that type of concealed weapon. In this
6 subdivision, "residence," with respect to a single-family residence, includes all of the
7 premises, and "residence," with respect to a residence that is not a single-family
8 residence, does not include any common area of the building in which the residence
9 is located.

10 2. While going armed with a concealed weapon, enters or remains in any part
11 of a nonresidential building that the person does not own or occupy after the owner
12 of the building, if he or she has not leased it to another person, or the occupant of the
13 building has notified the actor not to enter or remain in the building while going
14 armed with a concealed weapon or with that type of concealed weapon. This
15 subdivision does not apply to a part of a building occupied by the state or one of its
16 political subdivisions or to any part of a building used for parking.

17 **SECTION 46.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
18 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

19 943.13 (2) (am) (intro.) A person has received notice from the owner or occupant
20 within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally,
21 either orally or in writing, or if the land is posted. Land is considered to be posted
22 under this subsection paragraph under either of the following procedures:

23 1. If a sign at least 11 inches square is placed in at least 2 conspicuous places
24 for every 40 acres to be protected. The sign must carry an appropriate notice and the
25 name of the person giving the notice followed by the word "owner" if the person giving

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1 the notice is the holder of legal title to the land and by the word “occupant” if the
2 person giving the notice is not the holder of legal title but is a lawful occupant of the
3 land. Proof that appropriate signs as provided in this paragraph subdivision were
4 erected or in existence upon the premises to be protected prior to the event
5 complained of shall be prima facie proof that the premises to be protected were posted
6 as provided in this paragraph subdivision.

7 **SECTION 47.** 943.13 (2) (bm) of the statutes is created to read:

8 943.13 (2) (bm) 1. In this paragraph, “sign” means a sign that states a
9 restriction imposed under subd. 2. that is at least 11 inches square.

10 2. For the purposes of sub. (1m) (c) 2., an owner or occupant of a part of a
11 nonresidential building has notified an individual not to enter or remain in that part
12 of the nonresidential building while going armed with a concealed weapon or with
13 a particular type of concealed weapon if the owner or occupant has done all of the
14 following:

15 a. Posted a sign that is located in a prominent place near the primary entrance
16 to the part of the nonresidential building to which the restriction applies.

17 b. Personally and orally notified the individual of the restriction.

18 **SECTION 48.** 943.13 (3) of the statutes is amended to read:

19 943.13 (3) Whoever erects on the land of another signs which are the same as
20 or similar to those described in sub. (2) (am) without obtaining the express consent
21 of the lawful occupant of or holder of legal title to such land is subject to a Class C
22 forfeiture.

23 **SECTION 49.** 946.32 (3) of the statutes is created to read:

24 946.32 (3) This section does not apply to offenses that may be prosecuted under
25 s. 175.50 (17) (c). ✓

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SECTION 50

any of the following:

INS 52/2A and 52/2Bc

1 **SECTION 50.** 948.605 (2) (c) of the statutes is created to read:

2 948.605 (2) (c) Paragraph (a) does not apply to the possession of a handgun, as

3 defined in s. 175.50 (1) (bm) ~~for an individual holding a valid license under s. 175.50~~

4 ~~or authorized under the law of another state to go armed with a concealed handgun~~

5 ~~who is going armed with a concealed handgun as permitted under s. 175.50.~~

6 **SECTION 51.** 948.61 (3m) of the statutes is created to read:

7 948.61 (3m) This section does not apply to the possession of a weapon, as

8 defined in s. 175.50 (1) (j), other than a handgun, as defined in s. 175.50 (1) (bm), by

9 ~~an individual holding a valid license under s. 175.50 or authorized under the law of~~

10 ~~another state to go armed with a concealed weapon who is going armed with a~~

11 ~~concealed weapon as permitted under s. 175.50.~~

INS 52/9e

12 **SECTION 52. Nonstatutory provisions.**

13 (1) Using the procedure under section 227.24 of the statutes, the department

14 of justice shall promulgate rules required under section 175.35 (2g) (c) 3. of the

15 statutes and under section 175.50 (9g) (f) of the statutes, as created by this act, for

16 the period before the effective date of the permanent rules promulgated under those

17 sections, but not to exceed the period authorized under section 227.24 (1) (c) and (2)

18 of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes,

19 the department is not required to provide evidence that promulgating a rule under

20 this subsection as an emergency rule is necessary for the preservation of public

21 peace, health, safety, or welfare and is not required to provide a finding of an

22 emergency for a rule promulgated under this subsection.

23 **SECTION 53. Effective dates.** This act takes effect on the first day of the 2nd

24 month beginning after publication, except as follows:

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1 (1) The treatment of section 175.50 (2m) and (5) of the statutes and SECTION 52
2 (1) of this act take effect on the day after publication

3

(END)

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175.49 (4) and

check
a.r.

(3m)(b),
↑

d-note