State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -

PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 12/02/2005 (Per: CMH)

☞ The 2005 drafting file for
LRB 05s0288 (ASA1–AB763) (introduced–not transfered)
LRBa1612 (transfered)
LRBa1628 (transfered)
LRBa1640 (transfered)
LRBa1642 (transfered)
where used to create ...

LRB 05s0346 (SSA2–SB403)

(same as LRBs0345) (ASA2–AB763)

Pt. 01 of 04

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

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

2005 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB763)

Received: **11/29/2005**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Gunderson (608) 266-3363**

By/Representing: **Mike**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Compile

Instructions:

See Attached--a1467, a1536, a1537, a1538, a1539, a1540, a1541, a1542, a1543, a1608, a1611, and LFB tech--a1517

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?							
/P1	chanaman 11/29/2005	lkunkel 11/29/2005		_____ _____			
/1			jfrantze 11/29/2005	_____ _____	sbasford 11/30/2005	sbasford 11/30/2005	

FE Sent For:

2005 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB763)

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Instructions:

See Attached--a1467, a1536, a1537, a1538, a1539, a1540, a1541, a1542, a1543, a1608, a1611, and LFB tech--a1517

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	chanaman	/pl lmk. 11/29					

FE Sent For:

<END>

Barman, Mike

From: Hanaman, Cathlene
Sent: Wednesday, November 30, 2005 10:46 AM
To: Emery, Lynn; Barman, Mike
Subject: a1612 and a1613

Are companion amendments to the concealed carry subs. They are compiles. I put the LRB numbers of the drafts I compiled in the info box on the enter request form.

Mike and Lynn: Is that okay?

Thanks,
Cathlene

Appendix Added 12-01-2005 MB

State of Wisconsin
2005 – 2006 LEGISLATURE

LRBa1612/P1
MGD,CMH,RLR:...:...
all

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 763

LPS: Pls hide turning dots

At the locations indicated, amend the substitute amendment as follows:

a1517/3.1 **1.** Page 2, line 4: after "weapon," insert "licenses authorizing persons to carry concealed weapons,". ✓

a1611/1.1 **2.** Page 7, line 22: after that line insert:

a1611/1.1 "**SECTION 26m.** 165.60 of the statutes is amended to read:

165.60 Law enforcement. The department of justice is authorized to enforce ss. 101.123 (2), (5), and (8), 175.50 (17) (c), (d), and (e), 944.30, 944.31, 944.33, 944.34, 945.02 (2), 945.03 (1m), and 945.04 (1m) and is invested with the powers conferred by law upon sheriffs and municipal police officers in the performance of those duties. This section does not deprive or relieve sheriffs, constables, and other local police

1 officers of the power and duty to enforce those sections, and those officers shall
2 likewise enforce those sections.".

3 ***a1467/1.1*** **3.** Page 10, line 19: after "**cards.**" insert "**(1)** In this section,
4 "Wisconsin law enforcement agency" has the meaning given in s. 175.46 (1) (f).
5 **(2)**".

6 *a1467/1.1*

7 ***a1467/1.2*** **4.** Page 10, line 20: delete ", as defined in s. 175.46 (1) (f),".

8 ***a1467/1.3*** **5.** Page 10, line 23: delete "**(1)**" and substitute "(a)".

9 ***a1467/1.4*** **6.** Page 10, line 24: delete "**(2)**" and substitute "(b)".

10 ***a1467/1.5*** **7.** Page 11, line 1: delete "**(3)**" and substitute "(c)".

11 ***a1467/1.6*** **8.** Page 11, line 2: delete "subsection" and substitute "paragraph".

12 ***a1467/1.7*** **9.** Page 11, line 6: delete "**(4)**" and substitute "(d)".

13 ***a1467/1.8*** **10.** Page 11, line 7: after that line insert:

14 "**(3)** Unless sub. (2) (a), (b), (c), or (d) applies, if a Wisconsin law enforcement
15 agency does not issue photographic identification cards to its officers, it shall issue
16 such a card to an officer formerly employed by that agency upon the former officer's
17 request and at his or her expense.".

18 ***a1540/1.1*** **11.** Page 15, line 6: after "(cm)" insert "1".

19 ***a1540/1.2*** **12.** Page 17, line 8: on lines 8 and 12, after "(cm)" insert "1.".

20 ***a1540/1.3*** **13.** Page 18, line 5: on lines 5, 9 and 24, after "(cm)" insert "1.".

21 ***a1540/1.4*** **14.** Page 18, line 18: after "(cm)" insert "1".

22 ***a1540/1.5*** **15.** Page 19, line 22: after "(cm)" insert "1.".

1 ***a1540/1.6*** **16.** Page 20, line 12: on lines 12 and 18, after "(cm)" insert "1.".

2 ***a1540/1.7*** **17.** Page 21, line 10: after "(cm)" insert "1.".

3 ***a1540/1.8*** **18.** Page 21, line 23: on lines 23 and 25, after "(cm)" insert "1".

4 ***a1608/1.1*** **19.** Page 25, line 25: after that line insert:

5 "(mm) The individual has not been convicted of a misdemeanor violation of s.
6 940.32, 1999 stats., or a misdemeanor violation of a federal law or a law of another
7 state that is comparable to s. 940.32.".

8 ***a1608/1.2*** **20.** Page 30, line 17: after "(m)," insert "(mm),".

9 ***a1608/1.3*** **21.** Page 30, line 20: after "(m)," insert "(mm),".

10 ***a1517/3.2*** **22.** Page 31, line 7: delete "confirmation numbers and
11 corresponding".

12 ***a1517/3.3*** **23.** Page 31, line 9: delete the material beginning with "under"
13 and ending with "this subsection" on line 11.

14 ***a1517/3.4*** **24.** Page 31, line 11: delete "previously".

15 ***a1517/3.5*** **25.** Page 31, line 12: delete the material beginning with "and
16 nothing" and ending with "or (r)" on line 14.

17 ***a1608/1.4*** **26.** Page 31, line 14: after "(m)," insert "(mm),".

18 ***a1517/3.6*** **27.** Page 31, line 16: delete the material beginning with "If the"
19 and ending with "license." on line 20.

20 ***a1608/1.5*** **28.** Page 31, line 19: after "(m)," insert "(mm),".

21 ***a1517/3.7*** **29.** Page 31, line 23: delete "requests for".

22 ***a1517/3.8*** **30.** Page 31, line 24: delete "confirmation numbers and".

INS a1539

***a1608/1.6* 31.** Page 32, line 20: after "(m)," insert "(mm),".

***a1537/1.1* 32.** Page 41, line 17: after that line insert:

"11. A child care center licensed under s. 48.65. This subdivision does not apply to the owner of the child care center or, if the child care center is located in a residence, to a person who resides in that residence.".

***a1538/1.1* 33.** Page 41, line 17: after that line insert:

"~~11.~~ 12. A building or part of a building that is used for a domestic violence victim services program or by an organization that provides a safe haven for victims of domestic violence.".

***a1541/1.1* 34.** Page 41, line 17: after that line insert:

"~~11.~~ 13. A building or part of a building that is used for religious worship or another religious purpose, except that the owner of the building or an authorized representative of the owner may permit a licensee or out–of–state licensee to carry a concealed weapon in the building or a part of the building.".

***a1542/2.1* 35.** Page 41, line 17: after that line insert:

"~~11.~~ 14. A health care facility, as defined in s. 150.84 (2); an adult family home, as defined in s. 50.01 (1); a residential care apartment complex, as defined in s. 50.01 (1d); a facility, as defined in s. 50.01 (1m); or a home health agency, as defined in s. 50.49 (1) (a), except that the director of any facility listed in this subdivision, or his or her authorized representative, may permit a licensee or out–of–state licensee to carry a concealed weapon in the facility.".

***a1543/1.1* 36.** Page 41, line 17: after that line insert:

"~~11.~~ 15. A building located on the campus of a private or public university, college, or technical college, except that the president of a private university or college; the

chancellor of an institution, as defined in s. 36.05 (9), except the chancellor of the University of Wisconsin Colleges, as defined in s. 36.05 (14); the dean of a college campus, as defined in s. 36.05 (6m); or the director of a technical college district may permit a licensee or out–of–state licensee to carry a concealed weapon in a building under his or her jurisdiction.".

a1540/1.9 **37.** Page 43, line 1: delete lines 1 and 2 and substitute:

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

a. The person's alcohol concentration exceeds 0.08.

b. The person is under the influence of an intoxicant to a degree which materially impairs his or her ability to handle the weapon.

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

a1540/1.10 **38.** Page 43, line 9: after "(cm)" insert "1.".

a1517/3.9 **39.** Page 44, line 1: delete the material beginning with "(a) By" and ending with "(b)" on line 8.

a1517/3.10 **40.** Page 44, line 9: delete the material beginning with "that is" and ending with "(a) and" on line 10.

a1540/1.11 **41.** Page 48, line 7: after "(cm)" insert "1. a. or b.".

a1540/1.12 **42.** Page 48, line 9: after "the person" insert "was intoxicated or".

1 ***a1540/1.13*** **43.** Page 48, line 11: after "(cm)" insert "1. a.".

2 ***a1517/3.11*** **44.** Page 54, line 17: delete lines 17 to 23 and substitute:

3 ***a1517/3.11*** "**SECTION 66m.** 941.295 (2) (d) of the statutes is renumbered
4 941.295 (2) (d) (intro.) and amended to read:

5 941.295 **(2)** (d) (intro.) Any manufacturer or seller ~~whose~~ of electric weapons
6 ~~are used in this state solely by persons~~, unless the manufacturer or seller engages
7 in the conduct described in sub. (1) with the intent to provide an electric weapon to
8 someone other than one of the following:

9 1. A person specified in pars. (a) to (c) or sub. (2g) (a).

10 ***a1517/3.11*** **SECTION 66r.** 941.295 (2) (d) 2. of the statutes is created to read:

11 941.295 **(2)** (d) 2. A person for use in his or her dwelling or place of business
12 or on land that he or she owns, leases, or legally occupies.".

13 **(END)**

SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2005 SENATE BILL 403

INS a1539

At the locations indicated, amend the substitute amendment as follows:

1. Page 41, line 3, after that line insert:

"5m. A place at which an organized youth sporting event is taking place.".

(END)

State of Wisconsin
2005 – 2006 LEGISLATURE

LRBa1612/P1
MGD/CMH/RLR:all:jf

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2005 ASSEMBLY BILL 763

At the locations indicated, amend the substitute amendment as follows:

INS 1-4

1. Page 2, line 4: after "weapon," insert "licenses authorizing persons to carry concealed weapons,".

2. Page 7, line 22: after that line insert:

"**SECTION 26m.** 165.60 of the statutes is amended to read:

165.60 Law enforcement. The department of justice is authorized to enforce ss. 101.123 (2), (5), and (8), 175.50 (17) (c), (d), and (e), 944.30, 944.31, 944.33, 944.34, 945.02 (2), 945.03 (1m), and 945.04 (1m) and is invested with the powers conferred by law upon sheriffs and municipal police officers in the performance of those duties. This section does not deprive or relieve sheriffs, constables, and other local police

officers of the power and duty to enforce those sections, and those officers shall likewise enforce those sections.".

3. Page 10, line 19: after "**cards.**" insert "**(1)** In this section, "Wisconsin law enforcement agency" has the meaning given in s. 175.46 (1) (f).

(2)".

4. Page 10, line 20: delete ", as defined in s. 175.46 (1) (f),".

5. Page 10, line 23: delete "**(1)**" and substitute "(a)".

6. Page 10, line 24: delete "**(2)**" and substitute "(b)".

7. Page 11, line 1: delete "**(3)**" and substitute "(c)".

8. Page 11, line 2: delete "subsection" and substitute "paragraph".

9. Page 11, line 6: delete "**(4)**" and substitute "(d)".

10. Page 11, line 7: after that line insert:

"**(3)** Unless sub. (2) (a), (b), (c), or (d) applies, if a Wisconsin law enforcement agency does not issue photographic identification cards to its officers, it shall issue such a card to an officer formerly employed by that agency upon the former officer's request and at his or her expense.".

INS 2-17

11. Page 15, line 6: after "(cm)" insert "1".

12. Page 17, line 8: on lines 8 and 12, after "(cm)" insert "1.".

INS 2-18

13. Page 18, line 5: on lines 5, 9 and 24, after "(cm)" insert "1.".

14. Page 18, line 18: after "(cm)" insert "1".

15. Page 19, line 22: after "(cm)" insert "1.".

16. Page 20, line 12: on lines 12 and 18, after "(cm)" insert "1.".

1 **17.** Page 21, line 10: after "(cm)" insert "1.".

2 **18.** Page 21, line 23: on lines 23 and 25, after "(cm)" insert "1".

3 **19.** Page 25, line 25: after that line insert:

4 "(mm) The individual has not been convicted of a misdemeanor violation of s.
5 940.32, 1999 stats., or a misdemeanor violation of a federal law or a law of another
6 state that is comparable to s. 940.32.".

INS 3-7

7 **20.** Page 30, line 17: after "(m)," insert "(mm),".

8 **21.** Page 30, line 20: after "(m)," insert "(mm),".

9 **22.** Page 31, line 7: delete "confirmation numbers and corresponding".

10 **23.** Page 31, line 9: delete the material beginning with "under" and ending
11 with "this subsection" on line 11.

12 **24.** Page 31, line 11: delete "previously".

13 **25.** Page 31, line 12: delete the material beginning with "and nothing" and
14 ending with "or (r)" on line 14.

15 **26.** Page 31, line 16: delete the material beginning with "If the" and ending
16 with "license." on line 20.

17 **27.** Page 31, line 23: delete "requests for".

18 **28.** Page 31, line 24: delete "confirmation numbers and".

19 **29.** Page 32, line 20: after "(m)," insert "(mm),".

INS 3-20

20 **30.** Page 41, line 3: after that line insert:

21 "5m. A place at which an organized youth sporting event is taking place.".

22 **31.** Page 41, line 17: after that line insert:

1 "11. A child care center licensed under s. 48.65. This subdivision does not apply
2 to the owner of the child care center or, if the child care center is located in a residence,
3 to a person who resides in that residence.

4 12. A building or part of a building that is used for a domestic violence victim
5 services program or by an organization that provides a safe haven for victims of
6 domestic violence.

7 13. A building or part of a building that is used for religious worship or another
8 religious purpose, except that the owner of the building or an authorized
9 representative of the owner may permit a licensee or out–of–state licensee to carry
10 a concealed weapon in the building or a part of the building.

11 14. A health care facility, as defined in s. 150.84 (2); an adult family home, as
12 defined in s. 50.01 (1); a residential care apartment complex, as defined in s. 50.01
13 (1d); a facility, as defined in s. 50.01 (1m); or a home health agency, as defined in s.
14 50.49 (1) (a), except that the director of any facility listed in this subdivision, or his
15 or her authorized representative, may permit a licensee or out–of–state licensee to
16 carry a concealed weapon in the facility.

17 15. A building located on the campus of a private or public university, college,
18 or technical college, except that the president of a private university or college; the
19 chancellor of an institution, as defined in s. 36.05 (9), except the chancellor of the
20 University of Wisconsin Colleges, as defined in s. 36.05 (14); the dean of a college
21 campus, as defined in s. 36.05 (6m); or the director of a technical college district may
22 permit a licensee or out–of–state licensee to carry a concealed weapon in a building
23 under his or her jurisdiction.".

24 **32.** Page 43, line 1: delete lines 1 and 2 and substitute:

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

a. The person's alcohol concentration exceeds 0.08.

b. The person is under the influence of an intoxicant to a degree which materially impairs his or her ability to handle the weapon.

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

INS 5-11

33. Page 43, line 9: after "(cm)" insert "1.".

34. Page 44, line 1: delete the material beginning with "(a) By" and ending with "(b)" on line 8.

INS 5-12

35. Page 44, line 9: delete the material beginning with "that is" and ending with "(a) and" on line 10.

INS 5-16

36. Page 48, line 7: after "(cm)" insert "1. a. or b.".

37. Page 48, line 9: after "the person" insert "was intoxicated or".

38. Page 48, line 11: after "(cm)" insert "1. a.".

INS 5-19

39. Page 54, line 17: delete lines 17 to 23 and substitute:

"**SECTION 66m.** 941.295 (2) (d) of the statutes is renumbered 941.295 (2) (d) (intro.) and amended to read:

941.295 **(2)** (d) (intro.) Any manufacturer or seller ~~whose~~ <u>of</u> electric weapons ~~are used in this state solely by persons~~<u>, unless the manufacturer or seller engages</u>

1 in the conduct described in sub. (1) with the intent to provide an electric weapon to
2 someone other than one of the following:
3 1. A person specified in pars. (a) to (c) or sub. (2g) (a).
4 **SECTION 66r.** 941.295 (2) (d) 2. of the statutes is created to read:
5 941.295 **(2)** (d) 2. A person for use in his or her dwelling or place of business
6 or on land that he or she owns, leases, or legally occupies.".
7 **(END)**

State of Wisconsin
2005 – 2006 LEGISLATURE

LRBa1528/2
MGD:cjs:jf&cmh

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2005 ASSEMBLY BILL 763

INS 1-4

At the locations indicated, amend the substitute amendment as follows:

1. Page 7, line 2: delete "(d)" and substitute "(a)".

INS 2-17

2. Page 14, line 5: delete "(11) (c) 1. b." and substitute "(12g) (a) 2.".

3. Page 14, line 25: after that line insert:

"(bv) "Law enforcement agency" does not include the department.".

4. Page 15, line 10: after that line insert:

INS 2-18

"(er) "Motor vehicle" has the meaning given in s. 340.01 (35).".

5. Page 28, line 3: after "color" insert "and the registration number for each motor vehicle registered in the applicant's name".

INS 3-7

6. Page 33, line 15: delete lines 15 to 25.

7. Page 34, line 1: delete lines 1 to 13.

INS 3-20

INS 3-20 cont.

1 **8.** Page 34, line 14: delete "(d)" and substitute "**(11)** UPDATED INFORMATION. (a)".

2 **9.** Page 35, line 23: delete "par. (a)" and substitute "sub. (12) (a)".

3 **10.** Page 36, line 1: delete "**(12)** UPDATED INFORMATION. (a)" and substitute "(b)
4 1.".

5 **11.** Page 36, line 4: delete "(b)" and substitute "2.".

6 **12.** Page 36, line 6: delete "(11) (a)" and substitute "(12) (a)".

7 **13.** Page 36, line 6: after that line insert:

8 "**(12)** MAINTENANCE, USE, AND PUBLICATION OF RECORDS BY THE DEPARTMENT. (a)
9 The department shall maintain a computerized record listing the names and the
10 information specified in sub. (2m) (b) of all individuals who have been issued a license
11 under this section. Except as provided in par. (b) 1. and subject to par. (b) 2., neither
12 the department nor any employee of the department may store, maintain, format,
13 sort, or access the information in any way other than by the names, dates of birth,
14 or sex of licensees or by the identification numbers assigned to licensees under sub.
15 (2m) (b) 6.

16 (b) 1. A law enforcement officer who is employed by the department may obtain
17 information regarding a licensee from the department of transportation under s.
18 341.175 (4).

19 2. A law enforcement officer who is employed by the department may not
20 request or be provided information maintained by the department under par. (a)
21 concerning a specific licensee except for one of the following purposes:

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

INS 3-20 cont.

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

c. To investigate whether an individual submitted an intentionally false notarized statement under sub. (7) (b) or (15) (b) 2., intentionally violated sub. (11) (b) 1., or intentionally made a false statement to the department in connection with the individual's request for an emergency license under sub. (9r).

d. To investigate whether an individual complied with sub. (11) (b) 1. or (14) (b) 2.

(c) Notwithstanding s. 19.35, neither the department nor any department employee may make information obtained under this section available to the public except in the context of a prosecution for an offense in which the person's status as a licensee is relevant or through a report created under sub. (19).

(12g) PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES. (a) The department shall provide information concerning a specific licensee to a law enforcement agency, but only if the law enforcement agency is requesting the information for any of the following purposes:

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

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

3. To investigate whether an individual submitted an intentionally false notarized statement under sub. (7) (b) or (15) (b) 2., intentionally violated sub. (11)

INS 3-20 cont.

1 (b) 1., or intentionally made a false statement to the department in connection with
2 the individual's request for an emergency license under sub. (9r).

3 (b) 1. Notwithstanding s. 19.35, neither a law enforcement agency nor any of
4 its employees may make information regarding an individual that was obtained from
5 the department under this subsection or from the department of transportation
6 under s. 341.175 available to the public except in the context of a prosecution for an
7 offense in which the person's status as a licensee is relevant.

8 2. Neither a law enforcement agency nor any of its employees may store or
9 maintain information regarding an individual that was obtained from the
10 department under this subsection or from the department of transportation under
11 s. 341.175 based on the individual's status as a licensee.

12 3. Neither a law enforcement agency nor any of its employees may sort or access
13 information regarding vehicle stops, investigations, civil or criminal offenses, or
14 other activities involving the agency based on the status as licensees of any
15 individuals involved.

16 **(12r)** PROVIDING LICENSEE INFORMATION TO THE DEPARTMENT OF TRANSPORTATION.
17 If any of the following happens with respect to a person, the department shall notify
18 the department of transportation of the person's name, date of birth, and sex, the
19 date on which the person was last issued a license under this section, and any vehicle
20 registration number provided by the person on his or her application for that license:

21 (a) The person is issued a license.

22 (b) The person's license is renewed.

23 (c) The person's license expires and is not renewed.

24 (d) The person's license is suspended or revoked.

25 (e) The person's suspended license is reinstated.".

end of INS 3-20

INS 5-11

14. Page 43, line 6: after that line insert:

"(ag) Any person who violates sub. (12) or (12g) may be fined not more than $500 or sentenced to a term of imprisonment of not more than 30 days or both.

(ar) Any law enforcement officer who uses excessive force based solely on an individual's status as a licensee may be fined not more than $500 or sentenced to a term of imprisonment of not more than 30 days or both.".

15. Page 43, line 16: delete "(12) (a)" and substitute "(11) (b) 1.".

16. Page 43, line 22: delete lines 22 to 24.

INS 5-12

17. Page 45, line 10: delete "(d)" and substitute "(a)".

18. Page 45, line 11: delete "(d)" and substitute "(a)".

19. Page 45, line 21: after that line insert:

"**SECTION 37m.** 341.175 of the statutes is created to read:

INS 5-16

341.175 Department to maintain records. (1) In this section, "licensee" has the meaning given in s. 175.50 (1) (d).

(2) Using the information provided under s. 175.50 (12r) and obtained through rules promulgated under sub. (3), the department shall maintain a record of each owner who is a licensee. If its records indicate that an owner of a vehicle is a licensee, the department shall, in its registration records for that vehicle, include a confidential entry that informs a law enforcement officer who requests information regarding that vehicle that the owner is a licensee.

(3) The department, in consultation with the department of justice, shall promulgate rules specifying how it shall obtain the vehicle registration number for a licensee, as defined in s. 175.50 (1) (d), if there was no motor vehicle registered to the person when he or she became a licensee.

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1 **(4)** A law enforcement officer may request information maintained by the
2 department under sub. (2) only if he or she is conducting a vehicle stop that meets
3 the requirements of s. 349.02 (2) (a).

4 **(5)** (a) Notwithstanding s. 19.35, neither the department nor any of its
5 employees may make information maintained under sub. (2) available to the public.

6 (b) Neither the department nor any of its employees may store, maintain,
7 format, sort, or access information regarding licensees based on their status as
8 licensees.

9 **(6)** A person who violates sub. (4) or (5) may be fined not more than $500 or
10 sentenced to a term of imprisonment of not more than 30 days or both.".

11 **20.** Page 51, line 23: delete "(12)" and substitute "(11) (b)".

12 **(END)**

INS
5-19

State of Wisconsin
2005 – 2006 LEGISLATURE

LRBa1612/1
MGD/CMH/RLR:all:jf

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2005 ASSEMBLY BILL 763

At the locations indicated, amend the substitute amendment as follows:

1. Page 2, line 4: after "weapon," insert "licenses authorizing persons to carry concealed weapons,".

2. Page 7, line 2: delete "(d)" and substitute "(a)".

3. Page 7, line 22: after that line insert:

"**SECTION 26m.** 165.60 of the statutes is amended to read:

165.60 Law enforcement. The department of justice is authorized to enforce ss. 101.123 (2), (5), and (8), 175.50 (17) (c), (d), and (e), 944.30, 944.31, 944.33, 944.34, 945.02 (2), 945.03 (1m), and 945.04 (1m) and is invested with the powers conferred by law upon sheriffs and municipal police officers in the performance of those duties. This section does not deprive or relieve sheriffs, constables, and other local police

1 officers of the power and duty to enforce those sections, and those officers shall
2 likewise enforce those sections.".

3 **4.** Page 10, line 19: after "**cards.**" insert "**(1)** In this section, "Wisconsin law
4 enforcement agency" has the meaning given in s. 175.46 (1) (f).

5 **(2)**".

6 **5.** Page 10, line 20: delete ", as defined in s. 175.46 (1) (f),".

7 **6.** Page 10, line 23: delete "**(1)**" and substitute "(a)".

8 **7.** Page 10, line 24: delete "**(2)**" and substitute "(b)".

9 **8.** Page 11, line 1: delete "**(3)**" and substitute "(c)".

10 **9.** Page 11, line 2: delete "subsection" and substitute "paragraph".

11 **10.** Page 11, line 6: delete "**(4)**" and substitute "(d)".

12 **11.** Page 11, line 7: after that line insert:

13 "**(3)** Unless sub. (2) (a), (b), (c), or (d) applies, if a Wisconsin law enforcement
14 agency does not issue photographic identification cards to its officers, it shall issue
15 such a card to an officer formerly employed by that agency upon the former officer's
16 request and at his or her expense.".

17 **12.** Page 14, line 5: delete "(11) (c) 1. b." and substitute "(12g) (a) 2.".

18 **13.** Page 14, line 25: after that line insert:

19 "(bv) "Law enforcement agency" does not include the department.".

20 **14.** Page 15, line 6: after "(cm)" insert "1".

21 **15.** Page 15, line 10: after that line insert:

22 "(er) "Motor vehicle" has the meaning given in s. 340.01 (35).".

23 **16.** Page 17, line 8: on lines 8 and 12, after "(cm)" insert "1.".

1 **17.** Page 18, line 5: on lines 5, 9 and 24, after "(cm)" insert "1.".

2 **18.** Page 18, line 18: after "(cm)" insert "1".

3 **19.** Page 19, line 22: after "(cm)" insert "1.".

4 **20.** Page 20, line 12: on lines 12 and 18, after "(cm)" insert "1.".

5 **21.** Page 21, line 10: after "(cm)" insert "1.".

6 **22.** Page 21, line 23: on lines 23 and 25, after "(cm)" insert "1".

7 **23.** Page 25, line 25: after that line insert:

8 "(mm) The individual has not been convicted of a misdemeanor violation of s.
9 940.32, 1999 stats., or a misdemeanor violation of a federal law or a law of another
10 state that is comparable to s. 940.32.".

11 **24.** Page 28, line 3: after "color" insert "and the registration number for each
12 motor vehicle registered in the applicant's name".

13 **25.** Page 30, line 17: after "(m)," insert "(mm),".

14 **26.** Page 30, line 20: after "(m)," insert "(mm),".

15 **27.** Page 31, line 7: delete "confirmation numbers and corresponding".

16 **28.** Page 31, line 9: delete the material beginning with "under" and ending
17 with "this subsection" on line 11.

18 **29.** Page 31, line 11: delete "previously".

19 **30.** Page 31, line 12: delete the material beginning with "and nothing" and
20 ending with "or (r)" on line 14.

21 **31.** Page 31, line 16: delete the material beginning with "If the" and ending
22 with "license." on line 20.

1 **32.** Page 31, line 23: delete "requests for".

2 **33.** Page 31, line 24: delete "confirmation numbers and".

3 **34.** Page 32, line 20: after "(m)," insert "(mm),".

4 **35.** Page 33, line 15: delete lines 15 to 25.

5 **36.** Page 34, line 1: delete lines 1 to 13.

6 **37.** Page 34, line 14: delete "(d)" and substitute "**(11)** UPDATED INFORMATION.
7 (a)".

8 **38.** Page 35, line 23: delete "par. (a)" and substitute "sub. (12) (a)".

9 **39.** Page 36, line 1: delete "**(12)** UPDATED INFORMATION. (a)" and substitute "(b)
10 1.".

11 **40.** Page 36, line 4: delete "(b)" and substitute "2.".

12 **41.** Page 36, line 6: delete "(11) (a)" and substitute "(12) (a)".

13 **42.** Page 36, line 6: after that line insert:

14 "**(12)** MAINTENANCE, USE, AND PUBLICATION OF RECORDS BY THE DEPARTMENT. (a)
15 The department shall maintain a computerized record listing the names and the
16 information specified in sub. (2m) (b) of all individuals who have been issued a license
17 under this section. Except as provided in par. (b) 1. and subject to par. (b) 2., neither
18 the department nor any employee of the department may store, maintain, format,
19 sort, or access the information in any way other than by the names, dates of birth,
20 or sex of licensees or by the identification numbers assigned to licensees under sub.
21 (2m) (b) 6.

1 (b) 1. A law enforcement officer who is employed by the department may obtain
2 information regarding a licensee from the department of transportation under s.
3 341.175 (4).
4 2. A law enforcement officer who is employed by the department may not
5 request or be provided information maintained by the department under par. (a)
6 concerning a specific licensee except for one 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 an 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 false
13 notarized statement under sub. (7) (b) or (15) (b) 2., intentionally violated sub. (11)
14 (b) 1., or intentionally made a false statement to the department in connection with
15 the individual's request for an emergency license under sub. (9r).
16 d. To investigate whether an individual complied with sub. (11) (b) 1. or (14) (b)
17 2.
18 (c) Notwithstanding s. 19.35, neither the department nor any department
19 employee may make information obtained under this section available to the public
20 except in the context of a prosecution for an offense in which the person's status as
21 a licensee is relevant or through a report created under sub. (19).
22 **(12g)** PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES. (a) The
23 department shall provide information concerning a specific licensee to a law
24 enforcement agency, but only if the law enforcement agency is requesting the
25 information for any of the following purposes:

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

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

3. To investigate whether an individual submitted an intentionally false notarized statement under sub. (7) (b) or (15) (b) 2., intentionally violated sub. (11) (b) 1., or intentionally made a false statement to the department in connection with the individual's request for an emergency license under sub. (9r).

(b) 1. Notwithstanding s. 19.35, neither a law enforcement agency nor any of its employees may make information regarding an individual that was obtained from the department under this subsection or from the department of transportation under s. 341.175 available to the public except in the context of a prosecution for an offense in which the person's status as a licensee is relevant.

2. Neither a law enforcement agency nor any of its employees may store or maintain information regarding an individual that was obtained from the department under this subsection or from the department of transportation under s. 341.175 based on the individual's status as a licensee.

3. Neither a law enforcement agency nor any of its employees may sort or access information regarding vehicle stops, investigations, civil or criminal offenses, or other activities involving the agency based on the status as licensees of any individuals involved.

(12r) PROVIDING LICENSEE INFORMATION TO THE DEPARTMENT OF TRANSPORTATION. If any of the following happens with respect to a person, the department shall notify the department of transportation of the person's name, date of birth, and sex, the

1 date on which the person was last issued a license under this section, and any vehicle
2 registration number provided by the person on his or her application for that license:
3 (a) The person is issued a license.
4 (b) The person's license is renewed.
5 (c) The person's license expires and is not renewed.
6 (d) The person's license is suspended or revoked.
7 (e) The person's suspended license is reinstated.".
8 **43.** Page 41, line 3: after that line insert:
9 "5m. A place at which an organized youth sporting event is taking place.".
10 **44.** Page 41, line 17: after that line insert:
11 "11. A child care center licensed under s. 48.65. This subdivision does not apply
12 to the owner of the child care center or, if the child care center is located in a residence,
13 to a person who resides in that residence.
14 12. A building or part of a building that is used for a domestic violence victim
15 services program or by an organization that provides a safe haven for victims of
16 domestic violence.
17 13. A building or part of a building that is used for religious worship or another
18 religious purpose, except that the owner of the building or an authorized
19 representative of the owner may permit a licensee or out–of–state licensee to carry
20 a concealed weapon in the building or a part of the building.
21 14. A health care facility, as defined in s. 150.84 (2); an adult family home, as
22 defined in s. 50.01 (1); a residential care apartment complex, as defined in s. 50.01
23 (1d); a facility, as defined in s. 50.01 (1m); or a home health agency, as defined in s.
24 50.49 (1) (a), except that the director of any facility listed in this subdivision, or his

1 or her authorized representative, may permit a licensee or out–of–state licensee to
2 carry a concealed weapon in the facility.
3 15. A building located on the campus of a private or public university, college,
4 or technical college, except that the president of a private university or college; the
5 chancellor of an institution, as defined in s. 36.05 (9), except the chancellor of the
6 University of Wisconsin Colleges, as defined in s. 36.05 (14); the dean of a college
7 campus, as defined in s. 36.05 (6m); or the director of a technical college district may
8 permit a licensee or out–of–state licensee to carry a concealed weapon in a building
9 under his or her jurisdiction.".
10 **45.** Page 43, line 1: delete lines 1 and 2 and substitute:
11 "(cm) 1. A person may not carry a concealed weapon if any of the following
12 applies:
13 a. The person's alcohol concentration exceeds 0.08.
14 b. The person is under the influence of an intoxicant to a degree which
15 materially impairs his or her ability to handle the weapon.
16 2. A person may be charged with and a prosecutor may proceed upon a
17 complaint based upon a violation of subd. 1. a. or b. or both for acts arising out of the
18 same incident or occurrence. If the person is charged with violating both subd. 1. a.
19 and b., the offenses shall be joined. Subdivision 1. a. and b. each requires proof of a
20 fact for conviction which the other does not require.".
21 **46.** Page 43, line 6: after that line insert:
22 "(ag) Any person who violates sub. (12) or (12g) may be fined not more than
23 $500 or sentenced to a term of imprisonment of not more than 30 days or both.

1 (ar) Any law enforcement officer who uses excessive force based solely on an
2 individual's status as a licensee may be fined not more than $500 or sentenced to a
3 term of imprisonment of not more than 30 days or both.".

4 **47.** Page 43, line 9: after "(cm)" insert "1.".

5 **48.** Page 43, line 16: delete "(12) (a)" and substitute "(11) (b) 1.".

6 **49.** Page 43, line 22: delete lines 22 to 24.

7 **50.** Page 44, line 1: delete the material beginning with "(a) By" and ending
8 with "(b)" on line 8.

9 **51.** Page 44, line 9: delete the material beginning with "that is" and ending
10 with "(a) and" on line 10.

11 **52.** Page 45, line 10: delete "(d)" and substitute "(a)".

12 **53.** Page 45, line 11: delete "(d)" and substitute "(a)".

13 **54.** Page 45, line 21: after that line insert:

14 "**SECTION 37m.** 341.175 of the statutes is created to read:

15 **341.175 Department to maintain records. (1)** In this section, "licensee" has
16 the meaning given in s. 175.50 (1) (d).

17 **(2)** Using the information provided under s. 175.50 (12r) and obtained through
18 rules promulgated under sub. (3), the department shall maintain a record of each
19 owner who is a licensee. If its records indicate that an owner of a vehicle is a licensee,
20 the department shall, in its registration records for that vehicle, include a
21 confidential entry that informs a law enforcement officer who requests information
22 regarding that vehicle that the owner is a licensee.

1 **(3)** The department, in consultation with the department of justice, shall
2 promulgate rules specifying how it shall obtain the vehicle registration number for
3 a licensee, as defined in s. 175.50 (1) (d), if there was no motor vehicle registered to
4 the person when he or she became a licensee.

5 **(4)** A law enforcement officer may request information maintained by the
6 department under sub. (2) only if he or she is conducting a vehicle stop that meets
7 the requirements of s. 349.02 (2) (a).

8 **(5)** (a) Notwithstanding s. 19.35, neither the department nor any of its
9 employees may make information maintained under sub. (2) available to the public.

10 (b) Neither the department nor any of its employees may store, maintain,
11 format, sort, or access information regarding licensees based on their status as
12 licensees.

13 **(6)** A person who violates sub. (4) or (5) may be fined not more than $500 or
14 sentenced to a term of imprisonment of not more than 30 days or both.".

15 **55.** Page 48, line 7: after "(cm)" insert "1. a. or b.".

16 **56.** Page 48, line 9: after "the person" insert "was intoxicated or".

17 **57.** Page 48, line 11: after "(cm)" insert "1. a.".

18 **58.** Page 51, line 23: delete "(12)" and substitute "(11) (b)".

19 **59.** Page 54, line 17: delete lines 17 to 23 and substitute:

20 "**SECTION 66m.** 941.295 (2) (d) of the statutes is renumbered 941.295 (2) (d)
21 (intro.) and amended to read:

22 941.295 **(2)** (d) (intro.) Any manufacturer or seller ~~whose~~ <u>of</u> electric weapons
23 ~~are used in this state solely by persons~~<u>, unless the manufacturer or seller engages</u>

1 in the conduct described in sub. (1) with the intent to provide an electric weapon to
2 someone other than one of the following:
3 1. A person specified in pars. (a) to (c) or sub. (2g) (a).
4 **SECTION 66r.** 941.295 (2) (d) 2. of the statutes is created to read:
5 941.295 **(2)** (d) 2. A person for use in his or her dwelling or place of business
6 or on land that he or she owns, leases, or legally occupies.".
7 **(END)**