



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## ☞ Appendix A ... segment VII

### LRB BILL HISTORY RESEARCH APPENDIX

☞ The drafting file for 2011 LRB-1066 (For: Rep. Galloway)

has been transferred to the drafting file for

**2011 LRB-2027** (For: Rep. Galloway)

☞ Are These “Companion Bills” ?? ... No



**RESEARCH APPENDIX -**  
**PLEASE KEEP WITH THE DRAFTING FILE**

Date Transfer Requested: 05/04/2011 (Per: CMH)

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



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1066/2  
CMH:kjf&cjs:rs

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2011 BILL

repeal

1 AN ACT *to repeal* 941.237 (4) and 948.605 (2) (b) 1. to 5. and 7.; *to renumber*  
2 167.30, 941.295 (1), 943.13 (1e) (a) and 947.01; *to renumber and amend* 23.33  
3 (3) (e), 29.089 (2), 29.091, 29.314 (4) (b) 1., 29.314 (5) (b) 1., 29.621 (4), 440.26  
4 (3m), 941.23, 941.235 (2), 941.295 (2) (d), 941.295 (4), 943.13 (2), 948.605 (2) (b)  
5 6. and 948.605 (2) (b) 8.; *to amend* 48.685 (2) (bb), 50.065 (2) (bb), 59.54 (6),  
6 66.0409 (3) (b), 165.60, 165.81 (2), 165.82 (1) (intro.), 165.82 (2), 167.31 (1) (b),  
7 167.31 (2) (a), 167.31 (2) (b), 167.31 (3) (a), 167.31 (4) (cm), 813.12 (6) (am) 1.,  
8 813.122 (9) (am) 1., 813.125 (5r) (a), 885.235 (1g) (intro.), 895.527 (5) (a),  
9 938.396 (2g) (n), 939.22 (10), 941.295 (2) (intro.), 943.13 (1m) (b), 943.13 (3),  
10 947.011 (2) (a) 1., 947.011 (2) (c) 1., 947.011 (2) (d), 948.60 (1), 948.605 (2) (b)  
11 (intro.), 968.255 (1) (a) 2., 971.37 (1m) (a) 2. and 973.055 (1) (a) 1.; *to repeal and*  
12 *recreate* 29.314 (3) (b) 1.; and *to create* 23.33 (3) (e) 1., 23.33 (3) (e) 2., 23.33  
13 (3) (e) 3., 23.33 (3) (e) 4., 29.089 (2) (a), 29.089 (2) (b), 29.089 (2) (c), 29.089 (2)  
14 (d), 29.091 (2), 29.314 (4) (b) 1g., 29.314 (5) (b) 1g., 29.621 (4) (a), 29.621 (4) (b),

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1 29.621 (4) (c), 29.621 (4) (d), 29.621 (6), 66.0409 (6), 165.25 (12), 167.30 (2),  
 2 167.31 (4) (ar), 167.31 (4) (at), 175.48, 175.49, 175.60, 440.26 (3m) (a), 440.26  
 3 (3m) (b), 440.26 (3m) (c), 440.26 (3m) (d), 941.23 (1), 941.23 (2) (b), 941.23 (2)  
 4 (c), 941.23 (2) (d), 941.23 (2) (e), 941.23 (3), 941.235 (2) (c), 941.235 (2) (d),  
 5 941.235 (2) (e), 941.237 (3) (cr), 941.237 (3) (ct), 941.237 (3) (cx), 941.295 (1c) (b)  
 6 and (c), 941.295 (2) (d) 2., 941.295 (2g), 941.295 (2r), 943.13 (1e) (aL), 943.13 (1e)  
 7 (bm), 943.13 (1e) (cm), 943.13 (1e) (g), 943.13 (1m) (c), 943.13 (2) (bm), 947.01  
 8 (2), 948.605 (2) (b) 1m. and 948.61 (3m) of the statutes; **relating to:** carrying  
 9 a concealed weapon, licenses authorizing persons to carry concealed weapons,  
 10 possessing or transporting a firearm <sup>bow, or crossbow</sup> under certain circumstances,  
 11 photographic identification cards for former law enforcement officers,  
 12 requiring the exercise of rule-making authority, providing an exemption from  
 13 emergency rule-making procedures, and providing penalties <sup>for making an appropriation</sup>.

***Analysis by the Legislative Reference Bureau***

→ This bill creates a licensing system under which an individual is permitted to carry a concealed weapon under certain circumstances. The bill also makes changes in Wisconsin law to account for a federal law that requires the state to permit an individual who works as or who has retired from working as a federal, state, tribal, or local law enforcement officer in Wisconsin or in any other state to carry a concealed firearm.

**CURRENT LAW REGARDING THE POSSESSION OF WEAPONS**

***Wisconsin law***

In general, under current Wisconsin law, no person may go armed with a concealed and dangerous weapon. The "going armed with" language includes 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 a person in a car. A person who violates the prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both. This prohibition, however, does not apply to law enforcement officers. In addition, under *State v. Hamdan*, 2003 WI 113, 264 Wis. 2d 433, this prohibition is unconstitutional if applied 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

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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. In *Hamdan*, the court also indicated that the constitutional right to keep and bear arms for security allows a person to carry a concealed weapon under certain circumstances in his or her own home.

Current Wisconsin law also prohibits, with certain exceptions, going armed with or possessing a firearm in a public building, tavern, state park, or wildlife refuge or within 1,000 feet of the grounds of a school. In addition, current Wisconsin law prohibits, with certain exceptions, carrying a ~~loaded or uncased~~ firearm ~~in an automobile, motorboat, or airplane~~. Moreover, no person may operate or go armed with a firearm while under the influence of an intoxicant. A person who violates one of these prohibitions is subject to civil or criminal penalties.

**Federal law**

Under federal law, qualified law enforcement officers and qualified retired law enforcement officers may carry concealed firearms that have been shipped or transported in interstate or foreign commerce, regardless of any state prohibition.

Federal law specifies the criteria that a person must meet to be a qualified law enforcement officer or a qualified retired law enforcement officer. To be the former, a person must: 1) be employed by a government agency; 2) be a law enforcement officer; 3) be authorized by the agency to carry a firearm; 4) not be the subject of any disciplinary action by the agency; 5) not be under the influence of alcohol or other drugs; 6) not be prohibited under federal law from possessing a firearm; and 7) meet all standards, if any, established by the agency to qualify the person on a regular basis to use a firearm. For a person to be a qualified retired law enforcement officer, all of the following must apply: 1) the person retired in good standing from service with a government agency as a law enforcement officer, other than for reasons of mental instability; 2) before retirement, the person was regularly employed as a law enforcement officer for an aggregate of 15 years or more or retired after completing any applicable probationary period; 3) the person has a nonforfeitable right to benefits under the agency's retirement plan; 4) the person is not under the influence of alcohol or other drugs; 5) the person is not prohibited under federal law from possessing a firearm; and 6) during the most recent 12-month period, the person has met his or her home state's standards for training and qualification for active duty law enforcement officers to carry firearms.

Under federal law, if a person is a qualified law enforcement officer, the prohibition contained in Wisconsin law regarding going armed with a concealed and dangerous weapon does not apply to his or her going armed with a concealed firearm if the person carries a photographic identification issued by the agency for which he or she works. If the person is a qualified retired law enforcement officer, the prohibition does not apply to his or her going armed with a concealed firearm if the person carries either: 1) a photographic identification issued by the agency from which the person retired as a law enforcement officer that indicates that, within the preceding 12 months, the agency has tested the person or otherwise found that he or she meets its standards for training and qualification for active duty law enforcement officers to carry the type of firearm that the qualified retired law

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enforcement officer is carrying concealed; or 2) both of the following: a) a photographic identification issued by the agency from which the person retired as a law enforcement officer; and b) a certification issued by the state in which the person resides that indicates that, within the preceding 12 months, the state has tested the person or otherwise found that he or she meets its standards for training and qualification for active duty law enforcement officers to carry the type of firearm that the qualified retired law enforcement officer is carrying concealed. Federal law also specifies that a state may: 1) permit private persons or entities to bar the possession of concealed firearms on their own property; and 2) prohibit or restrict the possession of firearms on any state or local government property, installation, base, building, or park.

**HOW THE BILL CHANGES WISCONSIN'S CONCEALED WEAPONS LAW**

***Carrying a concealed weapon in your own home or business***

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.

***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. Specifically, the license authorizes a person to carry a concealed weapon (a handgun, an electronic weapon, a knife other than a switchblade, or a billy club) anywhere in this state except in particular places. Accordingly, the bill amends other prohibitions relating to the use and possession of firearms that are discussed above (see **CURRENT LAW REGARDING THE POSSESSION OF WEAPONS, Wisconsin law**) to specify that they do not apply to licensees.

A person licensed under the bill is generally prohibited from carrying a concealed weapon or a weapon that is not concealed in a police station, sheriff's office, or state patrol station; a prison or jail; a courthouse; a school administration office; beyond the security checkpoint at an airport; and a building owned by the state or a local government if the building provides electronic screening and locked storage for weapons. A business owner or person in his or her own home may prohibit a licensee from carrying a concealed weapon into the business or home, and an employer generally may prohibit an employee from carrying a concealed weapon in the course of the employee's employment.

***Licensing requirements and procedure***

Under the bill, DOJ must issue or renew a license to carry a concealed weapon to an applicant who is a resident of Wisconsin unless the applicant is less than 21 years old or is not eligible to possess a firearm under federal or state law. DOJ must conduct a background check of an applicant for a license or for a license renewal to determine the person's eligibility for a license. Only if DOJ determines that an applicant for a license or renewal is ineligible under one of these requirements, may DOJ not issue or renew a license. Otherwise, DOJ must issue the person a license within 21 days of receiving the completed application or must renew the license.

Furthermore, the bill does all of the following:

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Only if DOJ determines that an applicant for a license or renewal is ineligible under one of these requirements, may DOJ not issue or renew a license. Otherwise, DOJ must issue the person a license within 21 days of receiving the completed application or must renew the license.

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1. Provides that, with certain exceptions, a license to carry a concealed weapon is valid for five years.

2. Requires DOJ to revoke a license if the licensee no longer meets all of the requirements for licensure.

3. Requires DOJ to suspend a license if the licensee, after being charged with a misdemeanor, is ordered by the court not to possess a firearm.

4. Provides an appeals process for a person whose application for a license is denied or whose license is suspended or revoked.

5. Requires DOJ to keep a 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 circumstances.

6. Requires each circuit court to notify DOJ of any court proceedings relating to licensees and nonlicensees if those proceedings would require suspension or revocation of the person's license if he or she has a license.

6. (1) Requires a person who applies for a license to pay an application fee of up to \$52 to cover DOJ's costs in issuing the license and a \$13 background check fee to be deposited into the general fund of the state. A person who applies to renew his or her license must pay the same background check fee and a renewal fee of up to \$27 to cover DOJ's costs in renewing the license.

7. (8) Grants immunity from liability for acts done in good faith under the bill to DOJ, the Department of Transportation, and the employees of both departments; various court employees; businesses, nonprofit organizations, or individuals that do not prohibit persons to carry concealed weapons on their property; and employers that do not prohibit employees to carry concealed weapons.

7. (9) Treats a license or permit issued by another state in the same manner as a license issued under this bill if the other state required a background check as a condition of licensure.

**New and revised penalties for certain weapons offenses**

The bill establishes or changes penalties for offenses that relate to concealed weapons or that are committed by licensees. First, a licensee who fails to carry his or her license document or photographic identification, or to display either 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, for a second or subsequent time, fails to notify DOJ of a change in address within 30 days of the change may be required to forfeit \$50. Third, a licensee who carries a concealed weapon in a place where the bill prohibits him or her from doing so may be fined not more than \$500 or imprisoned for not more than 30 days or both. Fourth, a person who intentionally fails to relinquish a license document to DOJ after the license has been revoked must be fined not less than \$500 nor more than \$10,000 may be imprisoned for not more than nine months. Fifth, a person who intentionally makes a false statement in an application for a license may be charged with false swearing, a Class H felony.

**Active duty and former law enforcement officers**

Under the bill, DOJ must provide a qualified former law enforcement officer, as provided under federal law, upon his or her request, an identification card that, in combination with a photographic identification issued by the former officer's

or an individual whose license is suspended or revoked

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former employer, permits the former officer to carry a concealed firearm. The identification card that DOJ issues must indicate that DOJ has found that the officer has met the standards for qualification for active duty law enforcement officers to carry a revolver or a semiautomatic pistol and the date on which DOJ made that finding. DOJ may charge a former officer a fee to cover the costs of issuing an identification card and determining the person's eligibility.

The bill requires an active duty or former law enforcement officer who is carrying a concealed firearm to carry also the documentation that, under federal law, qualifies him or her to do so. A person who violates this requirement is subject to a forfeiture of not more than \$25. In contrast to the requirements of federal law for retired law enforcement officers, the exemption under the bill from the state's concealed weapons statute for an active duty or former law enforcement officer is not dependent on the person carrying his or her credentials. The person needs only to have been issued the credentials, for the exemption to apply.

**OTHER LAWS REGARDING WEAPONS**

This bill specifies that an individual does not violate the prohibition against disorderly conduct or does not violate any local ordinance by loading, carrying, or going armed with a handgun without regard to whether the handgun is loaded or whether the handgun is concealed or openly carried.

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:***

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

23.33 (3) (e) (intro.) With any firearm in his or her possession unless it is unloaded and enclosed in a carrying case, or any bow unless it is unstrung or enclosed in a carrying case. This paragraph does not apply to any of the following:

**SECTION 2.** 23.33 (3) (e) 1. of the statutes is created to read:

23.33 (3) (e) 1. A person who is employed in this state by a public agency as a law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

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In contrast to the requirements of federal law for retired law enforcement officers, the exemption under the bill from the state's concealed weapons statute for an active duty or former law enforcement officer is not dependent on the person carrying his or her credentials. The person needs only to have been issued the credentials, for the exemption to apply.

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1           **SECTION 3.** 23.33 (3) (e) 2. of the statutes is created to read:

2           23.33 (3) (e) 2. A qualified out-of-state law enforcement officer, as defined in  
3 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

4           **SECTION 4.** 23.33 (3) (e) 3. of the statutes is created to read:

5           23.33 (3) (e) 3. A former law enforcement officer, as defined in s. 941.23 (1) (c),  
6 to whom s. 941.23 (2) (c) 1. to 5. applies.

7           **SECTION 5.** 23.33 (3) (e) 4. of the statutes is created to read:

8           23.33 (3) (e) 4. A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
9 licensee, as defined in s. 175.60 (1) (g), who possesses a handgun, as defined in s.  
10 175.60 (1) (bm).

11           **SECTION 6.** 29.089 (2) of the statutes is renumbered 29.089 (2) (intro.) and  
12 amended to read:

13           29.089 (2) (intro.) Except as provided in sub. (3), no person may have in his or  
14 her possession or under his or her control a firearm on land located in state parks or  
15 state fish hatcheries unless the firearm is unloaded and enclosed within a carrying  
16 case. This subsection does not apply to any of the following:

17           **SECTION 7.** 29.089 (2) (a) of the statutes is created to read:

18           29.089 (2) (a) A person who is employed in this state by a public agency as a  
19 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

20           **SECTION 8.** 29.089 (2) (b) of the statutes is created to read:

21           29.089 (2) (b) A qualified out-of-state law enforcement officer, as defined in s.  
22 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

23           **SECTION 9.** 29.089 (2) (c) of the statutes is created to read:

24           29.089 (2) (c) A former law enforcement officer, as defined in s. 941.23 (1) (c),  
25 to whom s. 941.23 (2) (c) 1. to 5. applies.

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1           **SECTION 10.** 29.089 (2) (d) of the statutes is created to read:

2           29.089 **(2)** (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
3 licensee, as defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s.  
4 175.60 (1) (bm).

5           **SECTION 11.** 29.091 of the statutes is renumbered 29.091 (1) and amended to  
6 read:

7           29.091 **(1)** No person may hunt or trap within any wildlife refuge established  
8 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession  
9 or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,  
10 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed  
11 within a carrying case. The taking of predatory game birds and animals shall be done  
12 as the department directs. All state wildlife refuge boundary lines shall be marked  
13 by posts placed at intervals of not over 500 feet and bearing signs with the words  
14 “Wisconsin Wildlife Refuge”.

15           **SECTION 12.** 29.091 (2) of the statutes is created to read:

16           29.091 **(2)** The prohibition in sub. (1), as it relates to the possession or control  
17 of a loaded or unencased gun or firearm within a refuge established under s. 23.09  
18 (2) (b), does not apply to any of the following:

19           (a) A person who is employed in this state by a public agency as a law  
20 enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

21           (b) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1)  
22 (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

23           (c) A former law enforcement officer, as defined in s. 941.23 (1) (c), to whom s.  
24 941.23 (2) (c) 1. to 5. applies.

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1 (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as  
2 defined in s. 175.60 (1) (g), if the gun or firearm is a handgun, as defined in s. 175.60  
3 (1) (bm).

4 **SECTION 13.** 29.314 (3) (b) 1. of the statutes is repealed and recreated to read:

5 29.314 (3) (b) 1. <sup>To</sup> Any of the following:

6 a. A person who is employed in this state by a public agency as a law  
7 enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

8 b. A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1)  
9 (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

10 c. A former law enforcement officer, as defined in s. 941.23 (1) (c), to whom s.  
11 941.23 (2) (c) 1. to 5. applies.

12 d. A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as  
13 defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s. 175.60 (1) (bm).

14 **SECTION 14.** 29.314 (4) (b) 1. of the statutes is renumbered 29.314 (4) (b) 1r. and  
15 amended to read:

16 29.314 (4) (b) 1r. To ~~a peace officer on official business~~, an employee of the  
17 department on official business or a person authorized by the department to conduct  
18 a game census.

19 **SECTION 15.** 29.314 (4) (b) 1g. of the statutes is created to read:

20 29.314 (4) (b) 1g. To any person under sub. (3) (b) 1.

21 **SECTION 16.** 29.314 (5) (b) 1. of the statutes is renumbered 29.314 (5) (b) 1r. and  
22 amended to read:

23 29.314 (5) (b) 1r. ~~To a peace officer on official business~~, an employee of the  
24 department on official business or a person authorized by the department to conduct  
25 a game census or to observe bear for educational purposes.

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1            ~~SECTION 17. 29.314 (5) (b) 1g. of the statutes is created to read:~~ ✓

2            ~~29.314 (5) (b) 1g. To any person under sub. (3) (b) 1.~~

3            **SECTION 18.** 29.621 (4) of the statutes is renumbered 29.621 (4) (intro.) and  
4 amended to read:

5            29.621 (4) PROTECTION. (intro.) Except as provided in s. 29.091 (1), no owner  
6 of a wildlife refuge, and no other person, may hunt or trap within the boundaries of  
7 any wildlife refuge or have in his or her possession or under his or her control in the  
8 wildlife refuge a gun, firearm, bow or crossbow, unless the gun or firearm is unloaded,  
9 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed  
10 within a carrying case. ~~Nothing in this section may prohibit, prevent or interfere~~  
11 ~~with the department in the destruction of injurious animals. This subsection, as it~~  
12 relates to the possession or control of a loaded or unencased firearm, does not apply  
13 to any of the following:

14            **SECTION 19.** 29.621 (4) (a) of the statutes is created to read:

15            29.621 (4) (a) A person who is employed in this state by a public agency as a  
16 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

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

18            29.621 (4) (b) A qualified out-of-state law enforcement officer, as defined in s.  
19 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

20            **SECTION 21.** 29.621 (4) (c) of the statutes is created to read:

21            29.621 (4) (c) A former law enforcement officer, as defined in s. 941.23 (1) (c),  
22 to whom s. 941.23 (2) (c) 1. to 5. applies.

23            **SECTION 22.** 29.621 (4) (d) of the statutes is created to read:

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1           29.621 (4) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
2 licensee, as defined in s. 175.60 (1) (g), if the gun or firearm is a handgun, as defined  
3 in s. 175.60 (1) (bm).

4           **SECTION 23.** 29.621 (6) of the statutes is created to read:

5           29.621 (6) INJURIOUS ANIMALS. Nothing in this section may prohibit, prevent,  
6 or interfere with the department in the destruction of injurious animals.

7           **SECTION 24.** 48.685 (2) (bb) of the statutes is amended to read:

8           48.685 (2) (bb) If information obtained under par. (am) or (b) 1. indicates a  
9 charge of a serious crime, but does not completely and clearly indicate the final  
10 disposition of the charge, the department, county department, agency contracted  
11 with under s. 48.651 (2), child welfare agency, school board, or entity shall make  
12 every reasonable effort to contact the clerk of courts to determine the final disposition  
13 of the charge. If a background information form under sub. (6) (a) or (am) indicates  
14 a charge or a conviction of a serious crime, but information obtained under par. (am)  
15 or (b) 1. does not indicate such a charge or conviction, the department, county  
16 department, agency contracted with under s. 48.651 (2), child welfare agency, school  
17 board, or entity shall make every reasonable effort to contact the clerk of courts to  
18 obtain a copy of the criminal complaint and the final disposition of the complaint.  
19 If information obtained under par. (am) or (b) 1., a background information form  
20 under sub. (6) (a) or (am), or any other information indicates a conviction of a  
21 violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08, 947.01 (1), or 947.013  
22 obtained not more than 5 years before the date on which that information was  
23 obtained, the department, county department, agency contracted with under s.  
24 48.651 (2), child welfare agency, school board, or entity shall make every reasonable

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1 effort to contact the clerk of courts to obtain a copy of the criminal complaint and  
2 judgment of conviction relating to that violation.

3 **SECTION 25.** 50.065 (2) (bb) of the statutes is amended to read:

4 50.065 (2) (bb) If information obtained under par. (am) or (b) indicates a charge  
5 of a serious crime, but does not completely and clearly indicate the final disposition  
6 of the charge, the department or entity shall make every reasonable effort to contact  
7 the clerk of courts to determine the final disposition of the charge. If a background  
8 information form under sub. (6) (a) or (am), or any disclosure made pursuant to a  
9 disclosure policy described under sub. (6) (am), indicates a charge or a conviction of  
10 a serious crime, but information obtained under par. (am) or (b) does not indicate  
11 such a charge or conviction, the department or entity shall make every reasonable  
12 effort to contact the clerk of courts to obtain a copy of the criminal complaint and the  
13 final disposition of the complaint. If information obtained under par. (am) or (b), a  
14 background information form under sub. (6) (a) or (am), any disclosure made  
15 pursuant to a disclosure policy described under sub. (6) (am), or any other  
16 information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20,  
17 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before the date  
18 on which that information was obtained, the department or entity shall make every  
19 reasonable effort to contact the clerk of courts to obtain a copy of the criminal  
20 complaint and judgment of conviction relating to that violation.

21 **SECTION 26.** 59.54 (6) of the statutes is amended to read:

22 59.54 (6) PEACE AND ORDER. The board may enact and enforce ordinances to  
23 preserve the public peace and good order within the county including, but not limited  
24 by enumeration, ordinances prohibiting conduct that is the same as or similar to

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1 conduct that is prohibited by ss. 947.01 (1) and 947.02, and provide a forfeiture for  
2 a violation of the ordinances.

3 **SECTION 27.** 66.0409 (3) (b) of the statutes is amended to read:

4 66.0409 (3) (b) Nothing in this section prohibits a city, village or town that is  
5 authorized to exercise village powers under s. 60.22 (3) from enacting an ordinance  
6 or adopting a resolution that restricts the discharge of a firearm. Any ordinance or  
7 resolution that restricts the discharge of a firearm does not apply and may not be  
8 enforced if the actor's conduct is justified or, had it been subject to a criminal penalty,  
9 would have been subject to a defense of privilege as described in s. 939.45.

10 **SECTION 28.** 66.0409 (6) of the statutes is created to read:

11 66.0409 (6) No person may be in violation of, or be charged with a violation of,  
12 an ordinance of a political subdivision relating to disorderly conduct or other  
13 inappropriate behavior for loading, carrying, or going armed with a handgun, as  
14 defined in s. 175.35 (1) (b), without regard to whether the handgun is loaded or is  
15 concealed or openly carried. Any ordinance in violation of this subsection does not  
16 apply and may not be enforced.

17 **SECTION 29.** 165.25 (12) of the statutes is created to read:

18 165.25 (12) RULES REGARDING CONCEALED WEAPONS LICENSES. Promulgate by  
19 rule a list of states that issue a permit, license, approval, or other authorization to  
20 carry a concealed weapon if the permit, license, ~~approval~~, or other authorization  
21 requires, or provides the option for and designates that the individual choose the  
22 option of, a criminal background check that is comparable to a background check, as  
23 defined in s. 175.60 (1) (ac).

24 **SECTION 30.** 165.60 of the statutes is amended to read:

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1           **165.60 Law enforcement.** The department of justice is authorized to enforce  
2 ss. 101.123 (2), (2m), and (8), 175.60 (17) (e), 944.30, 944.31, 944.33, 944.34, 945.02  
3 (2), 945.03 (1m), and 945.04 (1m) and ch. 108 and, with respect to a false statement  
4 submitted or made under s. 175.60 (7) (b) or (15) (b) 2., to enforce s. 946.32 and is  
5 invested with the powers conferred by law upon sheriffs and municipal police officers  
6 in the performance of those duties. This section does not deprive or relieve sheriffs,  
7 constables, and other local police officers of the power and duty to enforce those  
8 sections, and those officers shall likewise enforce those sections.

9           **SECTION 31.** 165.81 (2) of the statutes is amended to read:

10           165.81 (2) Any electric weapon, as defined in s. 941.295 (4) (1c) (a), in the  
11 possession of the laboratories shall either be destroyed or turned over to an agency  
12 authorized to have electric weapons under s. 941.295 (2). <sup>be</sup>

13           **SECTION 32.** 165.82 (1) (intro.) of the statutes is amended to read:

14           165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall  
15 impose the following fees, plus any surcharge required under sub. (1m), for criminal  
16 history searches for purposes unrelated to criminal justice or to s. 175.35, 175.49, or  
17 175.60:

18           **SECTION 33.** 165.82 (2) of the statutes is amended to read:

19           165.82 (2) ~~Except as provided in s. 175.35, the~~ The department of justice shall  
20 not impose fees for criminal history searches for purposes related to criminal justice.

21           **SECTION 34.** 167.30 of the statutes is renumbered 167.30 (1).

22           **SECTION 35.** 167.30 (2) of the statutes is created to read:

23           167.30 (2) Subsection (1) does not apply to the discharge of a firearm if the  
24 actor's conduct is justified or, had it been subject to a criminal penalty, would have  
25 been subject to a defense of privilege as described in s. 939.45.

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1           **SECTION 36.** 167.31 (1) (b) of the statutes is amended to read:

2           167.31 (1) (b) "Encased" means enclosed in a case ~~that is expressly made for~~  
3 ~~the purpose of containing a firearm~~ and that is completely zipped, snapped, buckled,  
4 tied or otherwise fastened with no part of the firearm exposed.

5           **SECTION 37.** 167.31 (2) (a) of the statutes is amended to read:

6           167.31 (2) (a) Except as provided in sub. (4), no person may place, possess or  
7 transport a firearm, ~~bow or crossbow~~ in or on a motorboat with the motor running,  
8 unless the firearm is unloaded ~~or unless the bow or crossbow is unstrung or is~~  
9 ~~enclosed in a carrying case.~~

10          **SECTION 38.** 167.31 (2) (b) of the statutes is amended to read:

11          167.31 (2) (b) Except as provided in sub. (4), no person may place, possess or  
12 transport a firearm, ~~bow or crossbow~~ in or on a vehicle, unless the firearm is unloaded  
13 and encased ~~or unless the bow or crossbow is unstrung or is enclosed in a carrying~~  
14 ~~case.~~

15          **SECTION 39.** 167.31 (3) (a) of the statutes is amended to read:

16          167.31 (3) (a) Except as provided in sub. (4), no person may place, possess or  
17 transport a firearm, ~~bow or crossbow~~ in or on an aircraft, unless the firearm is  
18 unloaded and encased ~~or unless the bow or crossbow is unstrung or is enclosed in a~~  
19 ~~carrying case.~~

20          **SECTION 40.** 167.31 (4) (ar) of the statutes is created to read:

21          167.31 (4) (ar) Subsections (2) (a), (b), and (c) <sup>or</sup> and (3) (a) and (b) <sup>if the aircraft is not a</sup> do not apply <sup>commercial</sup>  
22 to the placement, possession, transportation, or loading of a firearm by any of the <sup>aircraft,</sup>  
23 following: <sup>sub.</sup>

- 24           1. A person who is employed in this state by a public agency as a law  
25 enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

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1           2. A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1)  
2 (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

3           3. A former law enforcement officer, as defined in s. 941.23 (1) (c), to whom s.  
4 941.23 (2) (c) 1. to 5. applies.

5           4. A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as  
6 defined in s. 175.60 (1) (g).

7           **SECTION 41.** 167.31 (4) (at) of the statutes is created to read:

8           167.31 (4) (at) Subsections (2) (c) and (d) and (3) (b) do not apply to the  
9 discharge of a firearm if the actor's conduct is justified or, had it been subject to a  
10 criminal penalty, would have been subject to a defense of privilege as described in s.  
11 939.45.

12           **SECTION 42.** 167.31 (4) (cm) of the statutes is amended to read:

13           167.31 (4) (cm) For purposes of pars. (c) and (cg), the exemption from sub. (2)  
14 (b) under these paragraphs ~~only~~ applies only to the firearm, ~~bow or crossbow~~ being  
15 used for hunting by the holder of the Class A or Class B permit under s. 29.193 (2).

16           **SECTION 43.** 175.48 of the statutes is created to read:

17           **175.48 Law enforcement officer identification cards. (1)** In this section,  
18 "Wisconsin law enforcement agency" has the meaning given in s. 175.46 (1) (f).

19           **(2)** If a Wisconsin law enforcement agency issues photographic identification  
20 cards to its officers, it may not require an officer to relinquish his or her card when  
21 the officer ends service with the Wisconsin law enforcement agency unless one of the  
22 following applies:

- 23           (a) The officer may not lawfully possess a firearm under federal law.
- 24           (b) The officer did not end his or her service as a law enforcement officer with  
25 the agency in good standing.

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1 (c) The officer was regularly employed as a law enforcement officer for an  
2 aggregate of less than 10 years. This paragraph does not apply if the officer, after  
3 completing any applicable probationary period of service with the agency, ended his  
4 or her service with the agency due to a service-connected disability, as determined  
5 by the agency.

6 (d) 1. A qualified medical professional employed by the law enforcement agency  
7 has found the officer to be unqualified to be a law enforcement officer due to the  
8 officer's mental health.

9 2. The officer has entered into an agreement with the law enforcement agency  
10 from which he or she is ending service in which the officer acknowledges that he or  
11 she is not qualified to be a law enforcement officer due to the officer's mental health  
12 and in which the officer declines the photographic identification for that reason.

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 (4) This section does not restrict an individual's right to go armed with a  
18 firearm that is not concealed.

*a former officers ← officer's*

19 **SECTION 44.** 175.49 of the statutes is created to read:

20 **175.49 Former law enforcement officers seeking to carry concealed**

21 **weapons.** (1) DEFINITIONS. In this section:

22 (a) "Department" means the department of justice.

23 (b) "Former employer" means <sup>the</sup> a law enforcement agency that employed the law  
24 enforcement officer immediately before the law enforcement officer ended law  
25 enforcement service.

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1 (c) "Law enforcement officer" means a person who is employed by a public  
2 agency in the United States for the purpose of engaging in, or supervising others  
3 engaging in, the prevention, detection, investigation, or prosecution of, or the  
4 incarceration of any person for, any violation of law and who has statutory powers  
5 of arrest.

6 (2) ISSUANCE OF CERTIFICATION. Subject to sub. (3), the department shall issue  
7 and provide a former law enforcement officer, upon request and at his or her own  
8 expense, an identification card that contains the information specified in sub. (4) (b)  
9 and that certifies all of the following:

10 (a) That the department has found that the former officer has met the  
11 standards for qualification in firearms training that the former officer's former  
12 employer, or, if the former employer does not set standards, the state, sets for active  
13 duty law enforcement officers to carry a revolver or semiautomatic pistol, whichever  
14 the former officer used to qualify.

15 (b) The date on which the department made the finding under par. (a).

16 (3) PREREQUISITES FOR DEPARTMENT ACTION. (a) Subsection (2) does not apply  
17 with respect to a person requesting an identification card unless all of the following  
18 apply:

19 1. The person ended his or her service as a law enforcement officer in good  
20 standing.

21 2. At least one of the following applies:

22 a. Before leaving law enforcement service, the person was regularly employed  
23 as a law enforcement officer for an aggregate of 10 years or more.

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1           b. The person completed any applicable probationary period of service with his  
2 or her former employer and ended his or her service due to a service-connected  
3 disability, as determined by his or her former employer.

4           3. The person is not prohibited from possessing a firearm under federal law and  
5 is not a person specified in s. 941.29 (1) (a), (b), (bm), (c), (d), or (g) or specified in s.  
6 941.29 (1) (e) or (em), unless s. 941.29 (9) (a) or (b) exempts the person from s. 941.29.

7           4. The person is a resident of this state.

8           5. A qualified medical professional employed by the law enforcement agency  
9 has not found the person to be unqualified to be a law enforcement officer due to the  
10 person's mental health.

11           6. The person has not entered into an agreement with the law enforcement  
12 agency from which he or she is ending service in which the person acknowledges that  
13 he or she is not qualified to be a law enforcement officer due to the person's mental  
14 health and in which the person declines the identification card for that reason.

15           (b) The department may require a person to sign appropriate consents for  
16 release of information to enable it to confirm that he or she meets all of the  
17 prerequisites under this subsection for the department to act under sub. (2).

18           (c) In addition to other fees authorized under sub. (2), the department may  
19 require a person to pay a fee, not to exceed the department's costs, for verifying his  
20 or her employment history under par. (a) 1., 2., 5., or 6. and making a determination  
21 under par. (a) 3.

22           **(4) IDENTIFICATION CARD; CONTENTS AND PRODUCTION.** (a) Subject to pars. (b), (c),  
23 and (d), the department shall design a single document for identification cards issued  
24 under this section. The department shall complete the design of the identification

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1 card document no later than the first day of the 2nd month beginning after the  
2 effective date of this paragraph .... [LRB inserts date].

3 (b) In addition to the information certified under sub. (2), an identification card  
4 issued under this section shall contain all of the following on one side:

- 5 1. The full name, date of birth, and residence address of the former officer.
- 6 2. A physical description of the former officer, including sex, height, and eye  
7 color.
- 8 3. The name of this state.

9 (c) An identification card issued under this section may not contain the former  
10 officer's social security number.

11 (d) 1. The contents of the identification card issued under this section shall be  
12 included in the document in substantially the same way that the contents of an  
13 operator's license document issued under s. 343.17 are included in that document.

14 2. The identification card issued under this section shall be tamper proof in  
15 substantially the same way that the operator's license is tamper proof under s.  
16 343.17 (2).

17 (e) The department of justice may contract with the department of  
18 transportation to produce and issue identification cards under this section. Neither  
19 the department of transportation nor any employee of the department of  
20 transportation may store, maintain, or access the information provided by the  
21 department of justice for the production or issuance of identification cards other than  
22 to the extent necessary to produce or issue the identification cards.

*a former officer's*

23 **(5) GOING ARMED WITH A FIREARM.** This section does not limit ~~an individual's~~  
24 right to go armed with a firearm that is not concealed.

25 **SECTION 45.** 175.60 of the statutes is created to read:

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1           **175.60 License to carry a concealed weapon. (1) DEFINITIONS.** In this  
2 section:

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

4           (ac) “Background check” means the searches the department conducts under  
5 sub. (9g) to determine a person’s eligibility for a license to carry a concealed weapon.

6           (ag) “Carry” means to go armed with.

7           (ah) “Controlled substance” means a controlled substance, as defined in s.  
8 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).

9           (b) “Department” means the department of justice.

10          (bm) “Handgun” means any weapon designed or redesigned, or made or  
11 remade, and intended to be fired while held in one hand and to use the energy of an  
12 explosive to expel a projectile through a smooth or rifled bore. “Handgun” does not  
13 include a machine gun, as defined in s. 941.27 (1), a short-barreled rifle, as defined  
14 in s. 941.28 (1) (b), or a short-barreled shotgun, as defined in s. 941.28 (1) (c).

15          (bq) “Intoxicant” means any alcohol beverage, controlled substance, or other  
16 drug, or any combination thereof.

17          (bv) “Law enforcement agency” does not include the department.

18          (c) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

19          (d) “Licensee” means an individual holding a valid license to carry a concealed  
20 weapon issued under this section.

21          (e) “Motor vehicle” has the meaning given in s. 340.01 (35).

22          (f) “Out-of-state license” means a valid permit, license, approval, or other  
23 authorization issued by another state if all of the following apply:

24           1. The permit, license, approval, or other authorization is for the carrying of a  
25 concealed weapon.

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2. The state is listed in the rule promulgated by the department under s. 165.25

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(g) "Out-of-state licensee" means an individual who is 21 years of age or over, who is not a Wisconsin resident, and who has been issued an out-of-state license.

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

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

(i) "State identification card number" means the unique identifying driver number assigned to a person by the department of transportation under s. 343.17 (3)

(a) 4. or, if the person has no driver number, the number assigned to the person on an identification card issued under s. 343.50.

(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. (a) The department shall issue a license to carry a concealed weapon to any individual who is not disqualified under 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).

*The department may not impose*  
(18) ~~No~~ conditions, limitations, or requirements that are not expressly provided for in this section may be imposed on the issuance, scope, effect, or content of a license.

(b) ~~This section does not limit an individual's right to carry a firearm that is not concealed.~~ *Unless expressly provided in this section*

(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).

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1 (b) Unless the licensee or out-of-state licensee is carrying a concealed weapon  
2 in a manner described under s. 941.23 (2) (e), a licensee shall have with him or her  
3 his or her license document and photographic identification card and an out-of-state  
4 licensee shall have with him or her his or her out-of-state license at all times during  
5 which he or she is carrying a concealed weapon.

6 (c) Unless the licensee or out-of-state licensee is carrying a concealed weapon  
7 in a manner described under s. 941.23 (2) (e), a licensee who is carrying a concealed  
8 weapon shall display his or her license document and photographic identification  
9 card and an out-of-state licensee who is carrying a concealed weapon shall display  
10 his or her out-of-state license to a law enforcement officer upon the request of the  
11 law enforcement officer.

12 **(2m)** LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (bm), (c),  
13 and (d), the department shall design a single license document for licenses issued and  
14 renewed under this section. The department shall complete the design of the license  
15 document no later than the first day of the 2nd month beginning after the effective  
16 date of this paragraph .... [LRB inserts date].

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

- 19 1. The full name, date of birth, and residence address of the licensee.
- 20 2. A physical description of the licensee, including sex, height, hair color, and  
21 eye color.
- 22 3. The date on which the license was issued.
- 23 4. The date on which the license expires.
- 24 5. The name of this state.
- 25 6. A unique identification number for each licensee.

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1 (bm) The reverse side of a license document issued under this section shall  
2 contain the requirement under sub. (11) (b) that the licensee shall inform the  
3 department of any address change no later than 30 days after his or her address  
4 changes and the penalty for a violation of the requirement.

5 (c) The license document may not contain the licensee's social security number.

6 (d) 1. The contents of the license document shall be included in the document  
7 in substantially the same way that the contents of an operator's license document  
8 issued under s. 343.17 are included in that document.

9 2. The identification card issued under this section shall be tamper proof in  
10 substantially the same way that the operator's license is tamper proof under s.  
11 343.17 (2).

12 (e) The department of justice may contract with the department of  
13 transportation to produce and issue identification cards under this section. Neither  
14 the department of transportation nor any employee of the department of  
15 transportation may store, maintain, or access the information provided by the  
16 department of justice for the production or issuance of identification cards other than  
17 to the extent necessary to produce or issue the identification cards.

18 **(3) RESTRICTIONS ON ISSUING A LICENSE.** The department shall issue ~~to an~~  
19 ~~individual~~ a license under this section ~~unless any of the following applies:~~ *to an individual who submits an application under sub. (7)*

20 (a) The individual is less than 21 years of age.

21 (b) The individual is prohibited under federal law from possessing a firearm  
22 that has been transported in interstate or foreign commerce.

23 (c) The individual is prohibited from possessing a firearm under s. 941.29.

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1 (d) The individual is the subject of a pending civil or criminal case, the  
 2 disposition of which could ~~disqualify~~ <sup>make</sup> him or her ~~from having~~ <sup>ineligible</sup> a license under ~~this~~  
 3 ~~subsection.~~ <sup>par. (b) or (c)</sup>

4 ~~(d)~~ The individual is not a Wisconsin resident.

5 (5) APPLICATION AND RENEWAL FORMS. (a) The department shall design an  
 6 application form for use by individuals who apply for a license under this section and  
 7 a renewal form for use by individuals applying for renewal of a license under sub.  
 8 (15). The department shall complete the design of the application form no later than  
 9 the first day of the 2nd month beginning after the effective date of this paragraph ....  
 10 [LRB inserts date], and shall complete the design of the renewal form no later than  
 11 the first day of the 36th month beginning after the effective date of this paragraph  
 12 .... [LRB inserts date]. The forms shall require the applicant to provide only his or  
 13 her name, address, date of birth, state identification card number, race, sex, height,  
 14 hair color, and eye color and shall include all of the following:

15 1. A statement that the applicant is ineligible for a license if sub. (3) (a), (b), (c),  
 16 (d) <sup>or</sup> (e) applies to the applicant.

17 2. A statement explaining self-defense and defense of others under s. 939.48,  
 18 with a place for the applicant to sign his or her name to indicate that he or she has  
 19 read and understands the statement.

20 3. A statement, with a place for the applicant to sign his or her name, to indicate  
 21 that the applicant has read and understands the requirements of this section.

22 4. A statement that an applicant may be prosecuted if he or she intentionally  
 23 gives a false answer to any question on the application or intentionally submits a  
 24 falsified document with the application.

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1           5. A statement of the penalties for intentionally giving a false answer to any  
2 question on the application or intentionally submitting a falsified document with the  
3 application.

4           (b) The department shall make the forms described in this subsection available  
5 on the Internet and, upon request, by mail.

6           **(7) SUBMISSION OF APPLICATION.** An individual may apply for a license under this  
7 section with the department by submitting, by mail or other means made available  
8 by the department, to the department all of the following:

9           (a) A completed application in the form prescribed under sub. (5) (a).

10          (b) A statement that states that the information that he or she is providing in  
11 the application submitted under par. (a) and any document submitted with the  
12 application is true and complete to the best of his or her knowledge.

13          (c) A license fee in an amount, as determined by the department by rule, that  
14 is equal to the cost of issuing the license but <sup>does not</sup> ~~to~~ exceed \$52. The department shall  
15 determine the costs of issuing a license by using a 5-year planning period.

16          (d) A fee for a background check that is equal to the fee charged under s. 175.35  
17 (2i).

18          **(9) PROCESSING OF APPLICATION.** (a) Upon receiving an application submitted  
19 under sub. (7), the department shall conduct a background check.

20          (b) Within 21 days after receiving a complete application under sub. (7), the  
21 department shall do one of the following:

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

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1           2. Deny the application, but only if sub. (3) (a), (b), (c), <sup>or</sup> ~~(d)~~ <sup>✓</sup> or (e) applies to the  
 2 applicant. If the department denies the application, the department shall inform the  
 3 applicant in writing, stating the reason and factual basis for the denial.

4           **(9g) BACKGROUND CHECKS.** (a) The department shall conduct a background  
 5 check regarding an applicant for a license using the following procedure:

6           1. The department shall create a confirmation number associated with the  
 7 applicant.

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

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

11          a. If the background check indicates sub. (3) (b) <sup>or</sup> ~~(c)~~ <sup>✓</sup> or (d) applies to the  
 12 applicant, create a unique nonapproval number for the applicant.

13          b. If the completed background check does not indicate that sub. (3) (b) <sup>✓</sup> ~~(c)~~ <sup>or</sup>  
 14 ~~(d)~~ applies to the applicant, create a unique approval number for the applicant.

15          c. If the background check indicates that the applicant was the subject of a  
 16 relevant criminal charge for which there is no recorded disposition, make all  
 17 reasonable efforts to obtain the missing information.

18          (b) The department shall maintain a record of all completed application forms  
 19 and a record of all approval or nonapproval numbers regarding background checks  
 20 under this subsection.

21          **(9r) EMERGENCY LICENSE.** (a) An individual who requires an immediate license  
 22 may petition the court in the county in which he or she resides for such a license.  
 23 Unless the court knows that the individual is ineligible for a license under sub. (3),  
 24 a court may issue a temporary license to an individual if the court determines that

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1 immediate licensure is warranted to protect the individual from death or great bodily  
2 harm, as defined in s. 939.22 (14).

3 (b) An emergency license issued under this subsection is valid for 30 days  
4 unless revoked under par. (c).

5 (c) If a court issues an emergency license under par. (a), the department shall  
6 conduct, as soon as practicable, a background check on the individual. If the  
7 department determines that the individual is ineligible for a license under sub. (3),  
8 the department shall revoke the individual's emergency license.

9 **(11) UPDATED INFORMATION.** (a) 1. In this paragraph:

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

13 b. "Court automated information systems" means the systems under s. 758.19  
14 (4).

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

20 a. The individual is found by a court to have committed a felony or any other  
21 crime that would disqualify the individual from having a license under this section.

22 b. The individual is found incompetent under s. 971.14.

23 c. The individual is found not guilty of any crime by reason of mental disease  
24 or mental defect under s. 971.17.

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1 d. The individual is involuntarily committed for treatment under s. 51.20 or  
2 51.45.

3 e. The individual is found incompetent under ch. 54.

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

6 g. A court has prohibited the individual from possessing a dangerous weapon  
7 under s. 969.02 (3) (c).

8 h. A court has ordered the individual not to possess a firearm under s. 51.20  
9 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a).

10 3. Upon receiving a notice under subd. 2., the department shall immediately  
11 determine if the individual who is the subject of the notice is a licensee, using the list  
12 maintained under sub. (12) (a).

13 (b) 1. No later than 30 days after changing his or her address, a licensee shall  
14 inform the department of the new address. The department shall include the  
15 individual's new address in the list under sub. (12) (a).

16 2. <sup>Except as provided in subd. 3.)</sup> For a first violation of subd. 1., the department must issue the licensee a  
17 warning. *HNS 2-9-18*

18 <sup>4</sup> 3. A licensee may not be charged with a violation of subd. 1. if the department  
19 learns of the violation when the licensee informs the department of the address  
20 change.

21 **(12) MAINTENANCE, USE, AND PUBLICATION OF RECORDS BY THE DEPARTMENT.** (a) The  
22 department shall maintain a computerized record listing the names and the  
23 information specified in sub. (2m) (b) of all individuals who have been issued a license  
24 under this section. Subject to par. (b) 2., neither the department nor any employee  
25 of the department may store, maintain, format, sort, or access the information in any

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1 way other than by the names, dates of birth, or sex of licensees or by the identification  
2 numbers assigned to licensees under sub. (2m) (b) 6.

3 (b) A law enforcement officer may not request or be provided information under  
4 par. (a) concerning a specific licensee except for one of the following purposes:

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

7 2. ~~To confirm that an individual holds a valid license under this section~~ <sup>the</sup> <sup>more</sup> <sup>an</sup> <sup>if the</sup>  
8 individual is carrying a concealed weapon <sup>Y</sup> but does not have his or her license  
9 document ~~and claims to hold a valid license issued under this section~~ <sup>1</sup>

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

12 4. To investigate whether an individual complied with sub. (14) (b) 3.

13 (c) Notwithstanding s. 19.35, the department of justice, the department of  
14 14 transportation, or any employee of either department may <sup>not</sup> make information  
15 obtained under this section available to the public except in the context of a  
16 prosecution for an offense in which the person's status as a licensee is relevant <sup>or</sup>  
17 through a report created under sub. (19).

18 **(12g) PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES.** (a) The  
19 department shall provide information concerning a specific licensee to a law  
20 enforcement agency, but only if the law enforcement agency is requesting the  
21 information for any of the following purposes:

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

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2. To confirm that <sup>the</sup> an individual holds a valid license under this section, <sup>if the</sup> if the individual is carrying a concealed weapon, but does not have 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 statement under sub. (7) (b) or (15) (b) 2.

(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 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 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.

**(13) LOST OR DESTROYED LICENSE.** If a license document is lost, a licensee no longer has possession of his or her license, or a license document is destroyed, unreadable, or unusable, a licensee may submit to the department a statement requesting a replacement license document, the license document or any portions of the license document if available, and a \$15 replacement fee. The department shall issue a replacement license document to the licensee within 14 days of receiving the statement and fee. If the licensee does not submit the original license document to the department, the department shall terminate the unique approval number of the

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1 original request and issue a new unique approval number for the replacement  
2 request.

3 **(14)** LICENSE REVOCATION AND SUSPENSION. (a) The department shall revoke a  
4 license issued under this section if the department determines that sub. (3) (b), (c),  
5 or <sup>ed</sup> (d) applies to the licensee.

6 (am) The department shall suspend a licensee's license <sup>issued under this section</sup> if a court has prohibited  
7 the licensee from possessing a dangerous weapon under s. 969.02 (3) (c). If the  
8 individual whose license was suspended is no longer subject to the prohibition under  
9 s. 969.02 (3) (c), sub. (3) (b), (c), <sup>or</sup> (d) or (e) do not apply to the individual, and the  
10 suspended license would not have expired under sub. (15) (a) had it not been  
11 suspended, the department shall restore the license within 5 business days of  
12 notification that the licensee is no longer subject to the prohibition.

13 (b) 1. If the department suspends or revokes a license issued under this section,  
14 <sup>the department</sup> shall send the individual whose license has been suspended or revoked notice of  
15 the suspension or revocation by certified mail within one day after the suspension  
16 or revocation.

17 2. If the department <sup>suspends or</sup> revokes <sup>when the individual whose license has been suspended or</sup> or <sup>revoked</sup> suspends a license under this section, the  
18 revocation or suspension takes effect <sup>upon receipt of</sup> the notice under subd. 1. <sup>newer</sup>

19 3. Within 7 days after receiving the notice, the individual whose license has  
20 been suspended or revoked shall <sup>do one of the following; 91 a.</sup> deliver the license document personally or by  
21 certified mail to the department.

22 **(14g)** DEPARTMENTAL REVIEW. The department shall promulgate rules providing  
23 for the review of any action by the department denying an application for, or  
24 suspending or revoking, a license under this section.

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