



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

☞ Appendix A ... segment VIII

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 an 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.

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1 **(14m) APPEALS TO THE CIRCUIT COURT.** (a) An individual aggrieved by any action
2 by the department denying an application for, or suspending or revoking, a license
3 under this section, may appeal directly to the circuit court of the county in which the
4 individual resides without regard to whether the individual has sought review under
5 the process established in sub. (14g).

6 (b) To begin an appeal under this subsection, the aggrieved individual shall file
7 a petition for review with the clerk of the applicable circuit court within 30 days of
8 receiving notice of denial of an application for a license or of suspension or revocation
9 of a license. The petition shall state the substance of the department's action from
10 which the individual is appealing and the grounds upon which the individual
11 believes the department's action to be improper. The petition may include a copy of
12 any records or documents that are relevant to the grounds upon which the individual
13 believes the department's action to be improper.

14 (c) A copy of the petition shall be served upon the department either personally
15 or by registered or certified mail within 5 days after the individual files his or her
16 petition under par. (b).

17 (d) The department shall file an answer within 15 days after being served with
18 the petition under par. (c). The answer shall include a brief statement of the actions
19 taken by the department. *The department shall include*
20 department based its action shall be included with the answer when filed.

21 (e) The court shall review the petition, the answer, and any records or
22 documents submitted with the petition or the answer. The review under this
23 paragraph shall be conducted by the court without a jury but the court may schedule
24 a hearing and take testimony.

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1 (f) The court shall reverse the department's action if the court finds any of the
2 following:

3 1. That the department failed to follow any procedure, or take any action,
4 prescribed under this section.

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

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

9 4. a. If the appeal is regarding a denial, that the denial was based on factors
10 other than the factors under sub. (3).

11 b. If the appeal is regarding a suspension or revocation, that the suspension or
12 revocation was based on criteria other than those under sub. (14) (a) or (am).

13 (g) 1. The court's decision shall provide whatever relief is appropriate
14 regardless of the original form of the petition.

15 2. If the court reverses the department's action, the court may order the
16 department to pay the aggrieved individual all court costs and reasonable attorney
17 fees.

18 **(15) LICENSE EXPIRATION AND RENEWAL.** (a) Except as provided in par. (e) and
19 sub. (9r) (b), a license issued under this section is valid for a period of 5 years from
20 the date on which the license is issued unless the license is suspended or revoked
21 under sub. (14).

22 (b) The department shall design a notice of expiration form. At least 90 days
23 before the expiration date of a license issued under this section, the department shall
24 mail to the licensee a notice of expiration form and a form for renewing the license.

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1 The department shall renew the license if, no later than 90 days after the expiration
2 date of the license, the licensee does all of the following:

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

4 2. Submits a statement reporting that the information provided under subd.

5 1. is true and complete to the best of his or her knowledge and that he or she is not
6 disqualified under sub. (3).

7 4. Pays all of the following:

8 a. A renewal fee in an amount, as determined by the department by rule, that
9 is equal to the cost of renewing the license but ^{does} not ~~to~~ exceed \$27. The department
10 shall determine the costs of renewing a license by using a 5-year planning period.

11 b. A fee for a background check that is equal to the fee charged under s. 175.35
12 (2i).

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

15 (d) The department shall issue a renewal license by 1st class mail within 21
16 days of receiving a renewal application, statement, and fees under par. (b).

17 (e) The license of a member of the U.S. armed forces, a reserve unit of the armed
18 forces, or the national guard who is deployed overseas while on active duty may not
19 expire until at least 90 days after the end of the licensee's overseas deployment
20 unless the license is suspended or revoked under sub. (14).

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

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1 (b) An employer may not prohibit a licensee or an out-of-state licensee, as a
2 condition of employment, from carrying a concealed weapon, a particular type of
3 concealed weapon, or ammunition or from storing a weapon, a particular type of
4 weapon, or ammunition in the licensee's or out-of-state licensee's own motor vehicle,
5 regardless of whether the motor vehicle is used in the course of employment or
6 whether the motor vehicle is driven or parked on property used by the employer.

7 (16) PROHIBITED ACTIVITY. (a) Except as provided in par. (am), a licensee or an
8 out-of-state licensee may carry a concealed weapon or a weapon that is not
9 concealed anywhere on publicly owned property and in publicly owned buildings in
10 this state.

11 (am) 1. Except as provided in subd. 2., neither a licensee nor an out-of-state
12 licensee may knowingly carry a concealed weapon or a weapon that is not concealed
13 in any portion of a building that is a police station, sheriff's office, or state patrol
14 station; a prison, jail, house of correction, or secured correctional facility; a county,
15 state, or federal courthouse; a school administration office; or a place beyond a
16 security checkpoint in an airport, unless the weapon is unloaded and encased for
17 shipment as baggage to be transported by aircraft.

18 2. The prohibitions under subd. 1. do not apply to any of the following:

19 a. A parking facility located in a building that is used as, or any portion of which
20 is used as, a location under subd. 1. if the concealed weapon is in a vehicle driven or
21 parked in the parking facility.

22 b. A judge who is a licensee and who presides over any courtroom in the
23 courthouse may carry a concealed weapon in the courthouse and may permit in
24 writing any other licensee or out-of-state licensee to carry a concealed weapon in the
25 courthouse.

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1 c. A district attorney, or an assistant district attorney, who is a licensee may
2 carry a concealed weapon in a courthouse if he or she is assigned a case that is
3 scheduled to be tried in the courthouse.

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

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

12 2. A person authorized to carry a weapon in the building by the chief of the
13 capitol police, if the building is owned or leased by the state.

14 3. A person who leases residential or business premises in the building.

15 4. A parking facility that is located in the building if the concealed weapon is
16 in a vehicle driven or parked in the parking facility.

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

19 (ac) ^{Except as provided in sub (11) (b) 2,} Any person who violates sub. (11) (b) 1. for a 2nd or subsequent time may
20 be required to forfeit \$50.

21 (ag) Any person who violates sub. (2m) (e), (12), or (12g) may be fined not more
22 than \$500 or sentenced to a term of imprisonment of not more than 30 days or both.

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

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1 criminal penalty under this paragraph does not preclude the application of any other
2 civil or criminal remedy.

3 (b) Any person who violates sub. (16) (am) or (at) may be fined not more than
4 \$500 or imprisoned for not more than 30 days or both.

5 (e) Any person required under sub. (14) (b) 3. to relinquish or deliver a license
6 document to the department who intentionally violates the requirements of that
7 subdivision shall be fined not less than \$500 more than ~~\$10,000~~ ^{\$500} and may be
8 imprisoned for not more than ~~90 days~~ ^{30 days} or both

9 **(19) STATISTICAL REPORT.** By March 1 of each year, the department shall submit
10 a statistical report to the legislature under s. 13.172 (2) and to the governor that
11 indicates the number of licenses applied for, issued, denied, suspended, and revoked
12 under this section during the previous calendar year. For the licenses denied, the
13 report shall indicate the reasons for the denials and the part of the application
14 process in which the reasons for denial were discovered. For the licenses suspended
15 or revoked, the report shall indicate the reasons for the suspensions and revocations.
16 The department may not include in the report any information that may be used to
17 identify an applicant or a licensee, including, but not limited to, a name, address,
18 birth date, or social security number.

19 **(21) IMMUNITY.** (a) The department of justice, the department of
20 transportation, and the employees of each department; clerks, as defined in sub. (11)
21 (a) 1. a., and their staff; and court automated information systems, as defined under
22 sub. (11) (a) 1. b., and their employees are immune from liability arising from any act
23 or omission under this section, if done in good faith.

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(b) A person that does not prohibit an individual ^{from} ~~to~~ carry ^{ing} a concealed weapon on property that the person owns or occupies is immune from any liability arising from its decision ~~to do so~~ if done in good faith.

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4

(c) An employer that does not prohibit one or more employees ^{from} ~~to~~ carry ^{ing} a concealed weapon under sub. (15m) is immune from any liability arising from its decision ~~to do so~~ if done in good faith.

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SECTION 46. 440.26 (3m) of the statutes is renumbered 440.26 (3m) (intro.) and amended to read:

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440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS. (intro.) The department shall promulgate rules relating to the carrying of dangerous weapons by a person who holds a license or permit issued under this section or who is employed by a person licensed under this section. The rules shall meet the minimum requirements specified in 15 USC 5902 (b)- and shall allow all of the following:

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SECTION 47. 440.26 (3m) (a) of the statutes is created to read:

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440.26 (3m) (a) A person who is employed in this state by a public agency as a law enforcement officer to carry a concealed firearm if s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

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SECTION 48. 440.26 (3m) (b) of the statutes is created to read:

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440.26 (3m) (b) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (e), to carry a concealed firearm if s. 941.23 (2) (b) 1. to 3. applies.

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SECTION 49. 440.26 (3m) (c) of the statutes is created to read:

22

440.26 (3m) (c) A former law enforcement officer, as defined in s. 941.23 (1) (c), to carry a concealed firearm if s. 941.23 (2) (c) 1. to 5. applies.

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SECTION 50. 440.26 (3m) (d) of the statutes is created to read:

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1 440.26 **(3m)** (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), to carry a concealed weapon as permitted
3 under s. 175.60.

4 **SECTION 51.** 813.12 (6) (am) 1. of the statutes is amended to read:

5 813.12 **(6)** (am) 1. If an injunction is issued or extended under sub. (4) or if a
6 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify
7 the department of justice of the injunction and shall provide the department of
8 justice with information concerning the period during which the injunction is in
9 effect and information necessary to identify the respondent for purposes of a firearms
10 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
11 175.60 (9g) (a).

12 **SECTION 52.** 813.122 (9) (am) 1. of the statutes is amended to read:

13 813.122 **(9)** (am) 1. If an injunction is issued or extended under sub. (5), the
14 clerk of the circuit court shall notify the department of justice of the injunction and
15 shall provide the department of justice with information concerning the period
16 during which the injunction is in effect and information necessary to identify the
17 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
18 (c) or a background check under s. 175.60 (9g) (a).

19 **SECTION 53.** 813.125 (5r) (a) of the statutes is amended to read:

20 813.125 **(5r)** (a) If an order prohibiting a respondent from possessing a firearm
21 is issued under sub. (4m), the clerk of the circuit court shall notify the department
22 of justice of the existence of the order prohibiting a respondent from possessing a
23 firearm and shall provide the department of justice with information concerning the
24 period during which the order is in effect and information necessary to identify the

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1 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
2 (c) or a background check under s. 175.60 (9g) (a).

3 **SECTION 54.** 885.235 (1g) (intro.) of the statutes is amended to read:

4 885.235 (1g) (intro.) In any action or proceeding in which it is material to prove
5 that a person was under the influence of an intoxicant or had a prohibited alcohol
6 concentration or a specified alcohol concentration while operating or driving a motor
7 vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating
8 a motorboat, except a sailboat operating under sail alone, while operating a
9 snowmobile, while operating an all-terrain vehicle, while carrying a concealed
10 weapon, or while handling a firearm, evidence of the amount of alcohol in the person's
11 blood at the time in question, as shown by chemical analysis of a sample of the
12 person's blood or urine or evidence of the amount of alcohol in the person's breath,
13 is admissible on the issue of whether he or she was under the influence of an
14 intoxicant or had a prohibited alcohol concentration or a specified alcohol
15 concentration if the sample was taken within 3 hours after the event to be proved.
16 The chemical analysis shall be given effect as follows without requiring any expert
17 testimony as to its effect:

18 **SECTION 55.** 895.527 (5) (a) of the statutes is amended to read:

19 895.527 (5) (a) Section 167.30 (1), 941.20 (1) (d) or 948.605 or any rule
20 promulgated under those sections regulating or prohibiting the discharge of
21 firearms.

22 **SECTION 56.** 938.396 (2g) (n) of the statutes is amended to read:

23 938.396 (2g) (n) *Firearms restriction record search or background check.* If a
24 juvenile is adjudged delinquent for an act that would be a felony if committed by an
25 adult, the court clerk shall notify the department of justice of that fact. No other

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1 information from the juvenile's court records may be disclosed to the department of
2 justice except by order of the court. The department of justice may disclose any
3 information provided under this subsection only as part of a firearms restrictions
4 record search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).

5 **SECTION 57.** 939.22 (10) of the statutes is amended to read:

6 939.22 **(10)** "Dangerous weapon" means any firearm, whether loaded or
7 unloaded; any device designed as a weapon and capable of producing death or great
8 bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or
9 mouth of another person to impede, partially or completely, breathing or circulation
10 of blood; any electric weapon, as defined in s. 941.295 (4) (1c) (a); or any other device
11 or instrumentality which, in the manner it is used or intended to be used, is
12 calculated or likely to produce death or great bodily harm.

13 **SECTION 58.** 941.23 of the statutes is renumbered 941.23 (2) (intro.) and
14 amended to read:

15 941.23 **(2)** (intro.) Any person ~~except a peace officer, other than one of the~~
16 following, who goes armed with carries a concealed and dangerous weapon is guilty
17 of a Class A misdemeanor. ~~Notwithstanding:~~

18 (a) A peace officer, but notwithstanding s. 939.22, for purposes of this section
19 paragraph, peace officer does not include a commission warden who is not a
20 state-certified commission warden.

21 **SECTION 59.** 941.23 (1) of the statutes is created to read:

22 941.23 **(1)** In this section:

23 (ag) "Carry" has the meaning given in s. 175.60 (1) (ag).

24 (ar) "Destructive device" has the meaning given in 18 USC 921 (a) (4).

25 (b) "Former employer" has the meaning given in s. 175.49 (1) (b).

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1 (c) “Former law enforcement officer” means a person who was employed as a
2 law enforcement officer with a public agency.

3 (d) “Law enforcement officer” has the meaning given in s. 175.49 (1) (c).

4 (e) “Qualified out-of-state law enforcement officer” means a law enforcement
5 officer to whom all of the following apply:

6 1. The person is employed by a state or local government agency in another
7 state.

8 2. The agency has authorized the person to carry a firearm.

9 3. The person is not the subject of any disciplinary action by the agency.

10 4. The person meets all standards established by the agency to qualify the
11 person on a regular basis to use a firearm.

12 5. The person is not prohibited under federal law from possessing a firearm.

13 **SECTION 60.** 941.23 (2) (b) of the statutes is created to read:

14 941.23 (2) (b) A qualified out-of-state law enforcement officer. This paragraph
15 applies only if all of the following apply:

16 1. The weapon is a firearm but is not a machine gun, as defined in s. 941.27 (1),
17 or a destructive device.

18 2. A firearm silencer, as defined in s. 941.298 (1), is not attached to the weapon.

19 3. The officer is not under the influence of an intoxicant.

20 **SECTION 61.** 941.23 (2) (c) of the statutes is created to read:

21 941.23 (2) (c) A former law enforcement officer. This paragraph applies only
22 if all of the following apply:

23 1. The former officer has been issued a photographic identification document
24 described in sub. (3) (b) 1. or both of the following:

25 a. A photographic identification document described in sub. (3) (b) 2. (intro.).

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1 b. An identification card described in sub. (3) (b) 2. a., if the former officer
2 resides in this state, or a certification described in sub. (3) (b) 2. b., if the former officer
3 resides in another state.

4 2. The weapon is a firearm that is of the type described in a photographic
5 identification document described in subd. 1. (intro.) or a certification described in
6 subd. 1. b.

7 3. The weapon is not a machine gun, as defined in s. 941.27 (1), or a destructive
8 device.

9 4. A firearm silencer, as defined in s. 941.298 (1), is not attached to the weapon.

10 5. The former officer is not under the influence of an intoxicant.

11 **SECTION 62.** 941.23 (2) (d) of the statutes is created to read:

12 941.23 (2) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
13 licensee, as defined in s. 175.60 (1) (g), if the dangerous weapon is a weapon, as
14 defined under s. 175.60 (1) (j). An individual formerly licensed under s. 175.60 whose
15 license has been suspended or revoked under s. 175.60 (14) may not assert his or her
16 refusal to accept a notice of revocation or suspension mailed under s. 175.60 (14) (b)
17 1. as a defense to prosecution under this subsection, regardless of whether the person
18 has complied with s. 175.60 (11) (b) 1.

19 **SECTION 63.** 941.23 (2) (e) of the statutes is created to read:

20 941.23 (2) (e) An individual carries a concealed and dangerous weapon, as
21 defined in s. 175.60 (1) (j), in his or her own dwelling or place of business or on land
22 that he or she owns, leases, or legally occupies.

23 **SECTION 64.** 941.23 (3) of the statutes is created to read:

24 941.23 (3) (a) A qualified out-of-state law enforcement officer shall, while
25 carrying a concealed firearm, also have with him or her an identification card that

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1 contains his or her photograph and that was issued by the law enforcement agency
2 by which he or she is employed.

3 (b) A former law enforcement officer shall, while carrying a concealed firearm,
4 also have with him or her one of the following:

5 1. A photographic identification document issued by the former officer's former
6 employer that indicates that, within the 12 months preceding the date on which the
7 former officer is carrying the concealed firearm, he or she was tested or otherwise
8 found by his or her former employer to meet the standards for qualification in
9 firearms training that the employer sets for active duty law enforcement officers to
10 carry a revolver or semiautomatic pistol, whichever the former officer is carrying.

11 2. A photographic identification document issued by the former officer's former
12 employer and one of the following:

13 a. An identification card issued under s. 175.49 (2), if the former officer resides
14 in this state.

15 b. A certification issued by the state in which the former officer resides, if the
16 former officer resides in another state, that indicates that, within the 12 months
17 preceding the date on which the former officer is carrying the concealed firearm, he
18 or she was tested or otherwise found by that state to meet the standards for
19 qualification in firearms training that the state sets for active duty law enforcement
20 officers to carry a revolver or semiautomatic pistol, whichever the former officer is
21 carrying.

22 (c) A person who violates this subsection may be required to forfeit not more
23 than \$25.

24 (d) This subsection does not apply to a licensee, as defined in s. 175.60 (1) (d),
25 or an out-of-state licensee, as defined in s. 175.60 (1) (g).

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1 **SECTION 65.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and
2 amended to read:

3 941.235 (2) (intro.) This section does not apply to ~~peace~~ any of the following:

4 (a) Peace officers or armed forces or military personnel who go armed in the line
5 of duty or to any person duly authorized by the chief of police of any city, village or
6 town, the chief of the capitol police, or the sheriff of any county to possess a firearm
7 in any building under sub. (1). Notwithstanding s. 939.22 (22), for purposes of this
8 ~~subsection~~ paragraph, peace officer does not include a commission warden who is not
9 a state-certified commission warden.

10 **SECTION 66.** 941.235 (2) (c) of the statutes is created to read:

11 941.235 (2) (c) A qualified out-of-state law enforcement officer, as defined in
12 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

13 **SECTION 67.** 941.235 (2) (d) of the statutes is created to read:

14 941.235 (2) (d) A former law enforcement officer, as defined in s. 941.23 (1) (c),
15 to whom s. 941.23 (2) (c) 1. to 5. applies.

16 **SECTION 68.** 941.235 (2) (e) of the statutes is created to read:

17 941.235 (2) (e) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
18 licensee, as defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s.
19 175.60 (1) (bm).

20 **SECTION 69.** 941.237 (3) (cr) of the statutes is created to read:

21 941.237 (3) (cr) A qualified out-of-state law enforcement officer, as defined in
22 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

23 **SECTION 70.** 941.237 (3) (ct) of the statutes is created to read:

24 941.237 (3) (ct) 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 71.** 941.237 (3) (cx) of the statutes is created to read:

2 941.237 **(3)** (cx) 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 licensee or out-of-state licensee is not
4 consuming alcohol on the premises and if the firearm is a handgun, as defined in s.
5 175.60 (1) (bm).

6 **SECTION 72.** 941.237 (4) of the statutes is repealed.

7 **SECTION 73.** 941.295 (1) of the statutes is renumbered 941.295 (1m).

8 **SECTION 74.** 941.295 (1c) (b) and (c) of the statutes are created to read:

9 941.295 **(1c)** (b) “Licensee” has the meaning given in s. 175.60 (1) (d).

10 (c) “Out-of-state licensee” has the meaning given in s. 175.60 (1) (g).

11 **SECTION 75.** 941.295 (2) (intro.) of the statutes is amended to read:

12 941.295 **(2)** (intro.) Subsection ~~(1)~~ (1m) does not apply to any of the following:

13 **SECTION 76.** 941.295 (2) (d) of the statutes is renumbered 941.295 (2) (d) (intro.)
14 and amended to read:

15 941.295 **(2)** (d) (intro.) Any manufacturer or seller ~~whose~~ of electric weapons
16 are used in this state solely by persons, unless the manufacturer or seller engages
17 in the conduct described in sub. (1m) with the intent to provide an electric weapon
18 to someone other than one of the following:

19 1. A person specified in pars. (a) to (c), a licensee, or an out-of-state licensee.

20 **SECTION 77.** 941.295 (2) (d) 2. of the statutes is created to read:

21 941.295 **(2)** (d) 2. A person for use in his or her dwelling or place of business
22 or on land that he or she owns, leases, or legally occupies.

23 **SECTION 78.** 941.295 (2g) of the statutes is created to read:

24 941.295 **(2g)** The prohibition in sub. (1m) on possessing or going armed with
25 an electric weapon does not apply to any of the following:

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1 (a) A licensee or an out-of-state licensee.

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

5 **SECTION 79.** 941.295 (2r) of the statutes is created to read:

6 941.295 (2r) The prohibition in sub. (1m) on transporting an electric weapon
7 does not apply to any of the following:

8 (a) A licensee or an out-of-state licensee.

9 (b) An individual who is not a licensee or an out-of-state licensee who
10 transports an electric weapon if the electric weapon is enclosed within a carrying
11 case.

12 **SECTION 80.** 941.295 (4) of the statutes is renumbered 941.295 (1c) (intro.) and
13 amended to read:

14 941.295 (1c) (intro.) In this section, ~~“electric~~ 

15 (a) “Electric weapon” means any device which is designed, redesigned, used or
16 intended to be used, offensively or defensively, to immobilize or incapacitate persons
17 by the use of electric current.

18 **SECTION 81.** 943.13 (1e) (a) of the statutes is renumbered 943.13 (1e) (ar).

19 **SECTION 82.** 943.13 (1e) (aL) of the statutes is created to read:

20 943.13 (1e) (aL) “Carry” has the meaning given in s. 175.60 (1) (ag).

21 **SECTION 83.** 943.13 (1e) (bm) of the statutes is created to read:

22 943.13 (1e) (bm) “Licensee” means a licensee, as defined in s. 176.60 (1) (d), or
23 an out-of-state licensee, as defined in s. 175.60 (1) (g).

24 **SECTION 84.** 943.13 (1e) (cm) of the statutes is created to read:

BILL

1 943.13 (1e) (cm) “Nonresidential building” includes any privately or publicly
2 owned building on the grounds of a university or college.

3 **SECTION 85.** 943.13 (1e) (g) of the statutes is created to read:

4 943.13 (1e) (g) “Weapon” has the meaning given in s. 175.60 (1) (j).

5 **SECTION 86.** 943.13 (1m) (b) of the statutes is amended to read:

6 943.13 (1m) (b) Enters or remains on any land of another after having been
7 notified by the owner or occupant not to enter or remain on the premises. This
8 paragraph does not apply to a licensee if the owner’s or occupant’s intent is to prevent
9 the licensee from carrying a concealed weapon on the owner’s or occupant’s land.

10 **SECTION 87.** 943.13 (1m) (c) of the statutes is created to read:

11 943.13 (1m) (c) 1. While carrying a concealed weapon, enters or remains at a
12 residence that the person does not own or occupy after the owner of the residence,
13 if he or she has not leased it to another person, or the occupant of the residence has
14 notified the actor not to enter or remain at the residence while carrying a concealed
15 weapon or with that type of concealed weapon. In this subdivision, “residence,” with
16 respect to a single-family residence, includes the residence building and the parcel
17 of land upon which the residence building is located, and “residence,” with respect
18 to a residence that is not a single-family residence, does not include any common
19 area of the building in which the residence is located or any common areas of the rest
20 of the parcel of land upon which the residence building is located.

21 2. While carrying a concealed weapon, enters or remains in any part of a
22 nonresidential building that the person does not own or occupy after the owner of the
23 building, if that part of the building has not been leased to another person, or the
24 occupant of that part of the building has notified the actor not to enter or remain in
25 that part of the building while carrying a concealed weapon or with that type of

BILL

1 concealed weapon. This subdivision does not apply to a part of a building occupied
2 by the state or one of its political subdivisions or, if the concealed weapon is in a
3 vehicle driven or parked in the parking facility, to any part of a building used as a
4 parking facility.

5 **SECTION 88.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
6 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

7 943.13 (2) (am) (intro.) A person has received notice from the owner or occupant
8 within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally,
9 either orally or in writing, or if the land is posted. Land is considered to be posted
10 under this ~~subsection~~ paragraph under either of the following procedures:

11 1. If a sign at least 11 inches square colored orange as described in s. 29.301
12 (2) is placed in at least 2 conspicuous places for every 40 acres to be protected. The
13 sign must ~~carry~~ provide an appropriate notice and the name of the person giving the
14 notice followed by the word "owner" if the person giving the notice is the holder of
15 legal title to the land and by the word "occupant" if the person giving the notice is not
16 the holder of legal title but is a lawful occupant of the land. Proof that appropriate
17 signs as provided in this ^{plain space} ~~paragraph~~ subdivision were erected or in existence upon the
18 premises to be protected prior to the event complained of shall be prima facie proof
19 that the premises to be protected were posted as provided in this ~~paragraph~~
20 subdivision.

21 **SECTION 89.** 943.13 (2) (bm) of the statutes is created to read:

22 943.13 (2) (bm) 1. In this paragraph, "sign" means a sign that states a
23 restriction imposed under subd. 2. that is at least 8.5 inches by 11 inches and colored
24 orange as described in s. 29.301 (2).

BILL

1 2. For the purposes of sub. (1m) (c) 2., an owner or occupant of a part of a
2 nonresidential building has notified an individual not to enter or remain in that part
3 of the nonresidential building while carrying a concealed weapon or with a particular
4 type of concealed weapon if the owner or occupant has posted a sign that is located
5 in a prominent place near all of the entrances to the part of the nonresidential
6 building to which the restriction applies and any individual entering the
7 nonresidential building can be reasonably expected to see the sign.

8 **SECTION 90.** 943.13 (3) of the statutes is amended to read:

9 943.13 (3) Whoever erects on the land of another signs which are the same as
10 or similar to those described in sub. (2) (am) without obtaining the express consent
11 of the lawful occupant of or holder of legal title to such land is subject to a Class C
12 forfeiture.

13 **SECTION 91.** 947.01 of the statutes is renumbered 947.01 (1).

14 **SECTION 92.** 947.01 (2) of the statutes is created to read:

15 947.01 (2) A person is not in violation of, and may not be charged with a
16 violation of, sub. (1) for loading, carrying, or going armed with a handgun, as defined
17 in s. 175.35 (1) (b), without regard to whether the handgun is loaded or is concealed
18 or openly carried.

19 **SECTION 93.** 947.011 (2) (a) 1. of the statutes is amended to read:

20 947.011 (2) (a) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
21 500 feet of any entrance to a facility being used for the service with the intent to
22 disrupt the service.

23 **SECTION 94.** 947.011 (2) (c) 1. of the statutes is amended to read:

24 947.011 (2) (c) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
25 500 feet of any entrance to a facility being used for the service.

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51-13

BILL

1 **SECTION 95.** 947.011 (2) (d) of the statutes is amended to read:

2 947.011 (2) (d) No person may impede vehicles that are part of a funeral
3 procession if the person's conduct violates s. 947.01 (1).

4 **SECTION 96.** 948.60 (1) of the statutes is amended to read:

5 948.60 (1) In this section, "dangerous weapon" means any firearm, loaded or
6 unloaded; any electric weapon, as defined in s. 941.295 (4) (1c) (a); metallic knuckles
7 or knuckles of any substance which could be put to the same use with the same or
8 similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of
9 2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire
10 or leather; a cestus or similar material weighted with metal or other substance and
11 worn on the hand; a shuriken or any similar pointed star-like object intended to
12 injure a person when thrown; or a manrikigusari or similar length of chain having
13 weighted ends.

14 **SECTION 97.** 948.605 (2) (b) (intro.) of the statutes is amended to read:

15 948.605 (2) (b) (intro.) Paragraph (a) does not apply to the possession of a
16 firearm by any of the following:

17 **SECTION 98.** 948.605 (2) (b) 1. to 5. and 7. of the statutes are repealed.

18 **SECTION 99.** 948.605 (2) (b) 1m. of the statutes is created to read:

19 948.605 (2) (b) 1m. A person who possesses the firearm in accordance with 18
20 USC 922 (q) (2) (B). For purposes of 18 USC (q) (2) (B), an out-of-state licensee, as
21 defined in s. 175.60 (1) (g), is the same as a licensee, as defined in s. 175.60 (1) (d).

22 **SECTION 100.** 948.605 (2) (b) 6. of the statutes is renumbered 948.605 (2) (b) 2m.
23 and amended to read:

24 948.605 (2) (b) 2m. ~~By a law enforcement officer or~~ A state-certified
25 commission warden acting in his or her official capacity; ~~or~~.

is fully licensed under the laws of this state

(ii)

BILL

1 **SECTION 101.** 948.605 (2) (b) 8. of the statutes is renumbered 948.605 (2) (b) 3m.
2 and amended to read:

3 948.605 (2) (b) 3m. ~~By a~~ A person who is legally hunting in a school forest if
4 the school board has decided that hunting may be allowed in the school forest under
5 s. 120.13 (38).

6 **SECTION 102.** 948.61 (3m) of the statutes is created to read:

7 948.61 (3m) This section does not apply to the possession of a weapon, as
8 defined in s. 175.60 (1) (j), other than a handgun, as defined in s. 175.60 (1) (bm), by
9 a licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as defined in s.
10 175.60 (1) (g).

11 **SECTION 103.** 968.255 (1) (a) 2. of the statutes is amended to read:

12 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30 (1), 940.19,
13 941.20 (1), 941.23, 941.237, 941.24, 948.60, or 948.61.

14 **SECTION 104.** 971.37 (1m) (a) 2. of the statutes is amended to read:

15 971.37 (1m) (a) 2. An adult accused of or charged with a criminal violation of
16 s. 940.19, 940.20 (1m), 940.201, 940.225, 940.23, 940.285, 940.30, 940.42, 940.43,
17 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,
18 947.01 (1), 947.012 or 947.0125 and the conduct constituting the violation involved
19 an act by the adult person against his or her spouse or former spouse, against an
20 adult with whom the adult person resides or formerly resided or against an adult
21 with whom the adult person has created a child.

22 **SECTION 105.** 973.055 (1) (a) 1. of the statutes is amended to read:

23 973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified
24 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,
25 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44,

BILL

1 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1),
2 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201, 941.20,
3 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125; and

SECTION 106. Nonstatutory provisions.

5 (1) Using the procedure under section 227.24 of the statutes, the department
6 of justice shall promulgate rules required under section 165.25 (12) of the statutes,
7 as created by this act, for the period before the effective date of the permanent rules
8 promulgated under those sections, but not to exceed the period authorized under
9 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
10 (2) (b), and (3) of the statutes, the department is not required to provide evidence that
11 promulgating a rule under this subsection as an emergency rule is necessary for the
12 preservation of public peace, health, safety, or welfare and is not required to provide
13 a finding of an emergency for a rule promulgated under this subsection.

14 **SECTION 107. Effective dates.** This act takes effect on the first day of the 4th
15 month beginning after publication, except as follows:

16 (1) The treatment of sections 165.25 (12), 175.49 (4), and 175.60 (2m) and (5)
17 of the statutes and SECTION 106 (1) of this act take effect on the day after publication.

18 (END)

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1066/3ins
CMH:.....

Pr C -0-0-0-

Justice Department of (27) (gs) background check for licenses to carry concealed weapons

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Insert A-1

2. Requires each circuit court to notify DOJ of any court proceeding that would result in a suspension or revocation of a license if the subject of the proceeding had a license. DOJ must determine if the subject of the proceeding has a license and, if the subject does, DOJ must revoke the license if the subject is no longer eligible to have a license or suspend the license if the subject, after being charged with a misdemeanor, is ordered by the court not to possess a firearm.

3. Allows an individual who requires a license immediately to petition a court for such a license. A court may grant a license, which is valid for 30 days, if the court determines that immediate licensure is warranted to protect the individual from death or great bodily harm.

Insert 6-1

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

SECTION 2. 20.455 (2) (gs) of the statutes is created to read:

20.455 (2) (gs) *Background check for licenses to carry concealed weapons.* All moneys received as fee payments under s. 175.60 (7) (c) and (d) and (15) (a) 4. a. and b. to provide services under s. 175.60.

Insert 13-23

Promulgate by rule a list of states that issue a permit, license, approval, or other authorization to carry a concealed weapon if the permit, license, approval, or other authorization requires, or designates that the holder chose to submit to, a criminal background check that is comparable to a background check as defined in s. 175.60 (1) (ac).

Insert 22-2

CS
Law enforcement services

(b)

1 and, if that state does not require a criminal background check for the permit,
2 license, approval, or authorization, the permit, license, approval, or authorization
3 designates that the holder chose to submit to a criminal background check
4

5 Insert 28-9

6 (c) If the holder of an emergency license issued under par. (a) applies for a
7 license under sub. (7) and is determined to be ineligible under sub. (3) for a license,
8 the emergency license is void.

9
10 Insert 29-18

11 3. If an individual is in violation of subd. 1. and has his or her license suspended
12 or revoked under sub. (14), the individual is subject to the penalty under sub. (17)
13 (ac).

14
15 Insert 32-22

16 b. Mail a signed statement to the department stating that he or she no longer
17 has possession of his or her license document and stating the reasons why he or she
18 no longer has possession.

19
20 Insert 38-9

21 (18) RECIPROCITY AGREEMENTS. The department may enter into reciprocity
22 agreements with other states as to matters relating to licenses or other authorization
23 to carry concealed weapons.

24
25 Insert 51-13

2

1 SECTION 3. 946.71 of the statutes is created to read:

2 **946.71 Unlawful use of license for carrying concealed weapons.** (1) In
3 this section, "license" means a valid license issued under s. 175.60 (4) or (9r).

4 (2) Whoever does any of the following is guilty of a Class A misdemeanor:

5 (a) Intentionally represents as valid any revoked, suspended, fictitious, or
6 fraudulently altered license.

7 (b) If the actor holds a license, intentionally sells or lends the license to any
8 other individual or knowingly permits another individual to use the license.

9 (c) Intentionally represents as one's own any license not issued to him or her.

10 (d) If the actor holds a license, intentionally permits any unlawful use of that
11 license.

12 (e) Intentionally reproduces by any means whatever a copy of a license.

13 (f) Intentionally defaces or intentionally alters a license.

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1066/3insRK
RNK:.....

INSERT ANALYSIS A

, bow, or crossbow in most vehicles unless the firearm is unloaded and encased or the bow or crossbow is unstrung and encased

INSERT ANALYSIS B

This bill also makes changes to the laws that impose restrictions on persons who carry a firearm, bow, or crossbow in certain vehicles. The bill eliminates the requirement that a bow or crossbow be unstrung and encased in order to be carried in a vehicle. The bill also allows a qualified active duty or former law enforcement officer to carry a loaded and unencased firearm in a vehicle and, in addition, allows a licensee to do so provided that the licensee's firearm is a handgun.