



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## ☞ Appendix A ... segment XIV

### 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.

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1 (c) Notwithstanding s. 19.35, the department of justice, the department of  
2 transportation, or any employee of either department may not make information  
3 obtained under this section available to the public except in the context of a  
4 prosecution for an offense in which the person's status as a licensee is relevant or  
5 through a report created under sub. (19).

6 **(12g) PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES.** (a) The  
7 department shall provide information concerning a specific licensee to a law  
8 enforcement agency, but only if the law enforcement agency is requesting the  
9 information for any of the following purposes:

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

12 2. If an individual is carrying a concealed weapon and claims to hold a valid  
13 license issued under this section but does not have his or her license document, to  
14 confirm that an individual holds a valid license under this section.

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

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

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

24 3. Neither a law enforcement agency nor any of its employees may sort or access  
25 information regarding vehicle stops, investigations, civil or criminal offenses, or

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1 other activities involving the agency based on the status as licensees of any  
2 individuals involved.

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

13 **(14) LICENSE REVOCATION AND SUSPENSION.** (a) The department shall revoke a  
14 license issued under this section if the department determines that sub. (3) (b), (c),  
15 or (d) applies to the licensee.

16 (am) The department shall suspend a license issued under this section if a court  
17 has prohibited the licensee from possessing a dangerous weapon under s. 969.02 (3)  
18 (c). If the individual whose license was suspended is no longer subject to the  
19 prohibition under s. 969.02 (3) (c), sub. (3) (b), (c), or (d) does not apply to the  
20 individual, and the suspended license would not have expired under sub. (15) (a) had  
21 it not been suspended, the department shall restore the license within 5 business  
22 days of notification that the licensee is no longer subject to the prohibition.

23 (b) 1. If the department suspends or revokes a license issued under this section,  
24 the department shall send the individual whose license has been suspended or

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1 revoked notice of the suspension or revocation by certified mail within one day after  
2 the suspension or revocation.

3 2. If the department suspends or revokes a license under this section, the  
4 suspension or revocation takes effect when the individual whose license has been  
5 suspended or revoked receives the notice under subd. 1.

6 3. Within 7 days after receiving the notice, the individual whose license has  
7 been suspended or revoked shall do one of the following:

8 a. Deliver the license document personally or by certified mail to the  
9 department.

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

13 **(14g)** DEPARTMENTAL REVIEW. The department shall promulgate rules providing  
14 for the review of any action by the department denying an application for, or  
15 suspending or revoking, a license under this section.

16 **(14m)** APPEALS TO THE CIRCUIT COURT. (a) An individual aggrieved by any action  
17 by the department denying an application for, or suspending or revoking, a license  
18 under this section, may appeal directly to the circuit court of the county in which the  
19 individual resides without regard to whether the individual has sought review under  
20 the process established in sub. (14g).

21 (b) To begin an appeal under this subsection, the aggrieved individual shall file  
22 a petition for review with the clerk of the applicable circuit court within 30 days of  
23 receiving notice of denial of an application for a license or of suspension or revocation  
24 of a license. The petition shall state the substance of the department's action from  
25 which the individual is appealing and the grounds upon which the individual

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1 believes the department's action to be improper. The petition may include a copy of  
2 any records or documents that are relevant to the grounds upon which the individual  
3 believes the department's action to be improper.

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

7 (d) The department shall file an answer within 15 days after being served with  
8 the petition under par. (c). The answer shall include a brief statement of the actions  
9 taken by the department. The department shall include with the answer when filed  
10 a copy of any documents or records on which the department based its action.

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

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

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

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

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

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

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

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

5           2. If the court reverses the department's action, the court may order the  
6           department to pay the aggrieved individual all court costs and reasonable attorney  
7           fees.

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

12          (b) The department shall design a notice of expiration form. At least 90 days  
13          before the expiration date of a license issued under this section, the department shall  
14          mail to the licensee a notice of expiration form and a form for renewing the license.  
15          The department shall renew the license if, no later than 90 days after the expiration  
16          date of the license, the licensee does all of the following:

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

18               2. Submits a statement reporting that the information provided under subd.  
19               1. is true and complete to the best of his or her knowledge and that he or she is not  
20               disqualified under sub. (3).

21               4. Pays all of the following:

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

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

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

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

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

11          **(15m) EMPLOYER RESTRICTIONS.** (a) Except as provided in par. (b), an employer  
12          may prohibit a licensee or an out-of-state licensee that it employs from carrying a  
13          concealed weapon or a particular type of concealed weapon in the course of the  
14          licensee's or out-of-state licensee's employment or during any part of the licensee's  
15          or out-of-state licensee's course of employment.

16          (b) An employer may not prohibit a licensee or an out-of-state licensee, as a  
17          condition of employment, from carrying a concealed weapon, a particular type of  
18          concealed weapon, or ammunition or from storing a weapon, a particular type of  
19          weapon, or ammunition in the licensee's or out-of-state licensee's own motor vehicle,  
20          regardless of whether the motor vehicle is used in the course of employment or  
21          whether the motor vehicle is driven or parked on property used by the employer.

22          **(16) PROHIBITED ACTIVITY.** (a) Except as provided in par. (am), a licensee or an  
23          out-of-state licensee may carry a concealed weapon or a weapon that is not  
24          concealed anywhere on publicly owned property and, except as provided in s. 943.13  
25          (1m) (c) 3., in publicly owned buildings in this state.

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

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

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

12 b. A judge who is a licensee may carry a weapon in a courthouse and may permit  
13 in writing any other licensee or out-of-state licensee to carry a weapon in a  
14 courthouse.

15 c. A district attorney, or an assistant district attorney, who is a licensee may  
16 carry a weapon in a courthouse.

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)  
20 1. may 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) may be fined not more than \$500 or  
4 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 more than \$500 and may be imprisoned for not more  
8 than 30 days or both.

9 **(18) RECIPROCITY AGREEMENTS.** The department may enter into reciprocity  
10 agreements with other states as to matters relating to licenses or other authorization  
11 to carry concealed weapons.

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

22 **(21) IMMUNITY.** (a) The department of justice, the department of  
23 transportation, and the employees of each department; clerks, as defined in sub. (11)  
24 (a) 1. a., and their staff; and court automated information systems, as defined under

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1 sub. (11) (a) 1. b., and their employees are immune from liability arising from any act  
2 or omission under this section, if done in good faith.

3 (b) A person that does not prohibit an individual from carrying a concealed  
4 weapon on property that the person owns or occupies is immune from any liability  
5 arising from its decision, if done in good faith.

6 (c) An employer that does not prohibit one or more employees from carrying a  
7 concealed weapon under sub. (15m) is immune from any liability arising from its  
8 decision, if done in good faith.

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

11 **440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS.** (intro.) The department  
12 shall promulgate rules relating to the carrying of dangerous weapons by a person  
13 who holds a license or permit issued under this section or who is employed by a  
14 person licensed under this section. The rules shall meet the minimum requirements  
15 specified in 15 USC 5902 (b)- and shall allow all of the following:

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

17 **440.26 (3m) (a)** A person who is employed in this state by a public agency as  
18 a law enforcement officer to carry a concealed firearm if s. 941.23 (1) (e) 2. to 5. and  
19 (2) (b) 1. to 3. applies.

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

21 **440.26 (3m) (b)** A qualified out-of-state law enforcement officer, as defined in  
22 s. 941.23 (1) (e), to carry a concealed firearm if s. 941.23 (2) (b) 1. to 3. applies.

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

24 **440.26 (3m) (c)** A former law enforcement officer, as defined in s. 941.23 (1) (c),  
25 to carry a concealed firearm if s. 941.23 (2) (c) 1. to 5. applies.

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

2           440.26 **(3m)** (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), to carry a concealed weapon as permitted  
4 under s. 175.60.

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

6           813.12 **(6)** (am) 1. If an injunction is issued or extended under sub. (4) or if a  
7 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify  
8 the department of justice of the injunction and shall provide the department of  
9 justice with information concerning the period during which the injunction is in  
10 effect and information necessary to identify the respondent for purposes of a firearms  
11 restrictions record search under s. 175.35 (2g) (c) or a background check under s.  
12 175.60 (9g) (a).

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

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

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

21           813.125 **(5r)** (a) If an order prohibiting a respondent from possessing a firearm  
22 is issued under sub. (4m), the clerk of the circuit court shall notify the department  
23 of justice of the existence of the order prohibiting a respondent from possessing a  
24 firearm and shall provide the department of justice with information concerning the  
25 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.** 895.527 (5) (a) of the statutes is amended to read:

4 895.527 (5) (a) Section 167.30 (1), 941.20 (1) (d) or 948.605 or any rule  
5 promulgated under those sections regulating or prohibiting the discharge of  
6 firearms.

7 **SECTION 55.** 938.396 (2g) (n) of the statutes is amended to read:

8 938.396 (2g) (n) *Firearms restriction record search or background check.* If a  
9 juvenile is adjudged delinquent for an act that would be a felony if committed by an  
10 adult, the court clerk shall notify the department of justice of that fact. No other  
11 information from the juvenile's court records may be disclosed to the department of  
12 justice except by order of the court. The department of justice may disclose any  
13 information provided under this subsection only as part of a firearms restrictions  
14 record search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).

15 **SECTION 56.** 939.22 (10) of the statutes is amended to read:

16 939.22 (10) "Dangerous weapon" means any firearm, whether loaded or  
17 unloaded; any device designed as a weapon and capable of producing death or great  
18 bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or  
19 mouth of another person to impede, partially or completely, breathing or circulation  
20 of blood; any electric weapon, as defined in s. 941.295 (4) (1c) (a); or any other device  
21 or instrumentality which, in the manner it is used or intended to be used, is  
22 calculated or likely to produce death or great bodily harm.

23 **SECTION 57.** 941.23 of the statutes is renumbered 941.23 (2) (intro.) and  
24 amended to read:

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

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

7           **SECTION 58.** 941.23 (1) of the statutes is created to read:

8           941.23 (1) In this section:

9           (ag) “Carry” has the meaning given in s. 175.60 (1) (ag).

10          (ar) “Destructive device” has the meaning given in 18 USC 921 (a) (4).

11          (b) “Former employer” has the meaning given in s. 175.49 (1) (b).

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

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

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

17           1. The person is employed by a state or local government agency in another  
18 state.

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

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

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

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

24          **SECTION 59.** 941.23 (2) (b) of the statutes is created to read:

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1           941.23 (2) (b) A qualified out-of-state law enforcement officer. This paragraph  
2 applies only if all of the following apply:

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

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

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

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

8           941.23 (2) (c) A former law enforcement officer. This paragraph applies only  
9 if all of the following apply:

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

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

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

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

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

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

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

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

24          941.23 (2) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
25 licensee, as defined in s. 175.60 (1) (g), if the dangerous weapon is a weapon, as

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1 defined under s. 175.60 (1) (j). An individual formerly licensed under s. 175.60 whose  
2 license has been suspended or revoked under s. 175.60 (14) may not assert his or her  
3 refusal to accept a notice of revocation or suspension mailed under s. 175.60 (14) (b)  
4 1. as a defense to prosecution under this subsection, regardless of whether the person  
5 has complied with s. 175.60 (11) (b) 1.

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

7 941.23 (2) (e) An individual <sup>WHO</sup> carries a concealed and dangerous weapon, as  
8 defined in s. 175.60 (1) (j), in his or her own dwelling or place of business or on land  
9 that he or she owns, leases, or legally occupies.

10 **SECTION 63.** 941.23 (3) of the statutes is created to read:

11 941.23 (3) (a) A qualified out-of-state law enforcement officer shall, while  
12 carrying a concealed firearm, also have with him or her an identification card that  
13 contains his or her photograph and that was issued by the law enforcement agency  
14 by which he or she is employed.

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

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

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

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

3           b. A certification issued by the state in which the former officer resides, if the  
4 former officer resides in another state, that indicates that, within the 12 months  
5 preceding the date on which the former officer is carrying the concealed firearm, he  
6 or she was tested or otherwise found by that state to meet the standards for  
7 qualification in firearms training that the state sets for active duty law enforcement  
8 officers to carry a revolver or semiautomatic pistol, whichever the former officer is  
9 carrying.

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

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

14          **SECTION 64.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and  
15 amended to read:

16           941.235 (2) (intro.) This section does not apply to ~~peace~~ any of the following:

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

23          **SECTION 65.** 941.235 (2) (c) of the statutes is created to read:

24           941.235 (2) (c) A qualified out-of-state law enforcement officer, as defined in  
25 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

**BILL****SECTION 66**

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

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

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

5           941.235 (2) (e) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
6 licensee, as defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s.  
7 175.60 (1) (bm).

8           **SECTION 68.** 941.237 (3) (cr) of the statutes is created to read:

9           941.237 (3) (cr) A qualified out-of-state law enforcement officer, as defined in  
10 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

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

12           941.237 (3) (ct) A former law enforcement officer, as defined in s. 941.23 (1) (c),  
13 to whom s. 941.23 (2) (c) 1. to 5. applies.

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

15           941.237 (3) (cx) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
16 licensee, as defined in s. 175.60 (1) (g), if the licensee or out-of-state licensee is not  
17 consuming alcohol on the premises and if the firearm is a handgun, as defined in s.  
18 175.60 (1) (bm).

19           **SECTION 71.** 941.237 (4) of the statutes is repealed.

20           **SECTION 72.** 941.295 (1) of the statutes is renumbered 941.295 (1m).

21           **SECTION 73.** 941.295 (1c) (b) and (c) of the statutes are created to read:

22           941.295 (1c) (b) “Licensee” has the meaning given in s. 175.60 (1) (d).

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

24           **SECTION 74.** 941.295 (2) (intro.) of the statutes is amended to read:

25           941.295 (2) (intro.) Subsection ~~(1)~~ (1m) does not apply to any of the following:

**BILL**

1           **SECTION 75.** 941.295 (2) (d) of the statutes is renumbered 941.295 (2) (d) (intro.)  
2 and amended to read:

3           941.295 **(2)** (d) (intro.) Any manufacturer or seller ~~whose~~ of electric weapons  
4 ~~are used in this state solely by persons, unless the manufacturer or seller engages~~  
5 ~~in the conduct described in sub. (1m) with the intent to provide an electric weapon~~  
6 ~~to someone other than one of the following:~~

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

8           **SECTION 76.** 941.295 (2) (d) 2. of the statutes is created to read:

9           941.295 **(2)** (d) 2. A person for use in his or her dwelling or place of business  
10 or on land that he or she owns, leases, or legally occupies.

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

12           941.295 **(2g)** The prohibition in sub. (1m) on possessing or going armed with  
13 an electric weapon does not apply to any of the following:

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

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

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

19           941.295 **(2r)** The prohibition in sub. (1m) on transporting an electric weapon  
20 does not apply to any of the following:

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

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

**BILL****SECTION 79**

1           **SECTION 79.** 941.295 (4) of the statutes is renumbered 941.295 (1c) (intro.) and  
2 amended to read:

3           941.295 **(1c)** (intro.) In this section, ~~“electric;~~

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

7           **SECTION 80.** 943.13 (1e) (a) of the statutes is renumbered 943.13 (1e) (ar).

8           **SECTION 81.** 943.13 (1e) (aL) of the statutes is created to read:

9           943.13 **(1e)** (aL) “Carry” has the meaning given in s. 175.60 (1) (ag).

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

11          943.13 **(1e)** (bm) “Licensee” means a licensee, as defined in s. 176.60 (1) (d), or  
12 an out-of-state licensee, as defined in s. 175.60 (1) (g).

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

14          943.13 **(1e)** (cm) “Nonresidential building” includes any privately or publicly  
15 owned building on the grounds of a university or college.

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

17          943.13 **(1e)** (g) “Weapon” has the meaning given in s. 175.60 (1) (j).

18          **SECTION 85.** 943.13 (1m) (b) of the statutes is amended to read:

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

23          **SECTION 86.** 943.13 (1m) (c) of the statutes is created to read:

24          943.13 **(1m)** (c) 1. While carrying a weapon, enters or remains at a residence  
25 that the actor does not own or occupy after the owner of the residence, if he or she

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1 has not leased it to another person, or the occupant of the residence has notified the  
2 actor not to enter or remain at the residence while carrying a weapon or with that  
3 type of weapon. In this subdivision, “residence,” with respect to a single-family  
4 residence, includes the residence building and the parcel of land upon which the  
5 residence building is located, and “residence,” with respect to a residence that is not  
6 a single-family residence, does not include any common area of the building in which  
7 the residence is located or any common areas of the rest of the parcel of land upon  
8 which the residence building is located.

9       2. While carrying a weapon, enters or remains in any part of a nonresidential  
10 building that the actor does not own or occupy after the owner of the building, if that  
11 part of the building has not been leased to another person, or the occupant of that  
12 part of the building has notified the actor not to enter or remain in that part of the  
13 building while carrying a weapon or with that type of weapon. This subdivision does  
14 not apply to a part of a building occupied by the state or one of its political  
15 subdivisions or, if the weapon is in a vehicle driven or parked in the parking facility,  
16 to any part of a building used as a parking facility.

17       3. While carrying a weapon, enters or remains in any part of a building that  
18 is owned, occupied, or controlled by the state or any political subdivision of the state,  
19 excluding any building or portion of a building under s. 175.60 (16) (am) 1., if the state  
20 or political subdivision has notified the actor not to enter or remain in the building  
21 while carrying a weapon or with that type of weapon. This subdivision does not apply  
22 to a person who leases residential or business premises in the building or, if the  
23 weapon is in a vehicle driven or parked in the parking facility, to any part of the  
24 building used as a parking facility.

**BILL**

1           **SECTION 87.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and  
2 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

3           943.13 **(2)** (am) (intro.) A person has received notice from the owner or occupant  
4 within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally,  
5 either orally or in writing, or if the land is posted. Land is considered to be posted  
6 under this ~~subsection~~ paragraph under either of the following procedures:

7           1. If a sign at least 11 inches square is placed in at least 2 conspicuous places  
8 for every 40 acres to be protected. The sign must ~~carry~~ provide an appropriate notice  
9 and the name of the person giving the notice followed by the word “owner” if the  
10 person giving the notice is the holder of legal title to the land and by the word  
11 “occupant” if the person giving the notice is not the holder of legal title but is a lawful  
12 occupant of the land. Proof that appropriate signs as provided in this ~~paragraph~~  
13 subdivision were erected or in existence upon the premises to be protected prior to  
14 the event complained of shall be prima facie proof that the premises to be protected  
15 were posted as provided in this ~~paragraph~~ subdivision.

16           **SECTION 88.** 943.13 (2) (bm) of the statutes is created to read:

17           943.13 **(2)** (bm) 1. In this paragraph, “sign” means a sign that states a  
18 restriction imposed under subd. 2. that is at least 8.5 inches by 11 inches and colored  
19 orange as described in s. 29.301 (2).

20           2. For the purposes of sub. (1m) (c) 2. and 3., an owner or occupant of a part of  
21 a nonresidential building or the state or any political subdivision of the state has  
22 notified an individual not to enter or remain in that part of the building while  
23 carrying a weapon or with a particular type of weapon if the owner, occupant, state,  
24 or political subdivision of the state has posted a sign that is located in a prominent  
25 place near all of the entrances to the part of the building to which the restriction

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1 applies and any individual entering the building can be reasonably expected to see  
2 the sign.

3 **SECTION 89.** 943.13 (3) of the statutes is amended to read:

4 943.13 (3) Whoever erects on the land of another signs which are the same as  
5 or similar to those described in sub. (2) (am) without obtaining the express consent  
6 of the lawful occupant of or holder of legal title to such land is subject to a Class C  
7 forfeiture.

8 **SECTION 90.** 946.71 of the statutes is created to read:

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

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

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

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

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

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

19 (e) Intentionally reproduces by any means a copy of a license for a purpose that  
20 is prohibited under this subsection.

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

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

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

24 947.01 (2) A person is not in violation of, and may not be charged with a  
25 violation of, sub. (1) for loading, carrying, or going armed with a handgun, as defined

*firearm*

**BILL****SECTION 92**

1 in s. 175.35 (1) (b) without regard to whether the ~~handgun~~<sup>firearm</sup> is loaded or is concealed  
2 or openly carried.

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

4 947.011 (2) (a) 1. Engage in conduct that is prohibited under s. 947.01 (1) within  
5 500 feet of any entrance to a facility being used for the service with the intent to  
6 disrupt the service.

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

8 947.011 (2) (c) 1. Engage in conduct that is prohibited under s. 947.01 (1) within  
9 500 feet of any entrance to a facility being used for the service.

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

11 947.011 (2) (d) No person may impede vehicles that are part of a funeral  
12 procession if the person's conduct violates s. 947.01 (1).

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

14 948.60 (1) In this section, "dangerous weapon" means any firearm, loaded or  
15 unloaded; any electric weapon, as defined in s. 941.295 (4) (1c) (a); metallic knuckles  
16 or knuckles of any substance which could be put to the same use with the same or  
17 similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of  
18 2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire  
19 or leather; a cestus or similar material weighted with metal or other substance and  
20 worn on the hand; a shuriken or any similar pointed star-like object intended to  
21 injure a person when thrown; or a manrikigusari or similar length of chain having  
22 weighted ends.

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

24 948.605 (2) (b) (intro.) Paragraph (a) does not apply to the possession of a  
25 firearm by any of the following:

**BILL**

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

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

3           948.605 **(2)** (b) 1m. Except if the possession is on school premises, as defined  
4 in s. 948.61 (1) (c), a person who possesses the firearm in accordance with 18 USC  
5 922 (q) (2) (B). For purposes of 18 USC (q) (2) (B) (ii), an out-of-state licensee, as  
6 defined in s. 175.60 (1) (g), is fully licensed under the laws of this state.

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

9           948.605 **(2)** (b) 2m. ~~By a law enforcement officer or~~ A state-certified  
10 commission warden acting in his or her official capacity; ~~or,~~

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

13           948.605 **(2)** (b) 3m. ~~By a~~ A person who is legally hunting in a school forest if  
14 the school board has decided that hunting may be allowed in the school forest under  
15 s. 120.13 (38).

16           **SECTION 102.** 968.255 (1) (a) 2. of the statutes is amended to read:

17           968.255 **(1)** (a) 2. Arrested for any misdemeanor under s. 167.30 (1), 940.19,  
18 941.20 (1), 941.23, 941.237, 941.24, 948.60, or 948.61.

19           **SECTION 103.** 971.37 (1m) (a) 2. of the statutes is amended to read:

20           971.37 **(1m)** (a) 2. An adult accused of or charged with a criminal violation of  
21 s. 940.19, 940.20 (1m), 940.201, 940.225, 940.23, 940.285, 940.30, 940.42, 940.43,  
22 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,  
23 947.01 (1), 947.012 or 947.0125 and the conduct constituting the violation involved  
24 an act by the adult person against his or her spouse or former spouse, against an

**BILL**

1 adult with whom the adult person resides or formerly resided or against an adult  
2 with whom the adult person has created a child.

3 **SECTION 104.** 973.055 (1) (a) 1. of the statutes is amended to read:

4 973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified  
5 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,  
6 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44,  
7 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1),  
8 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201, 941.20,  
9 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125; and

10 **SECTION 105. Nonstatutory provisions.**

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

20 **SECTION 106. Effective dates.** This act takes effect on the first day of the 4th  
21 month beginning after publication, except as follows:

22 (1) The treatment of sections 165.25 (12), 175.49 (4), and 175.60 (2m) and (5)  
23 of the statutes and SECTION 105 (1) of this act take effect on the day after publication.

24 (END)

Instructions on -1066/6 (does not include instructions for changes to DNR)

Require DOJ to provide a list of places in which a licensee may not carry a weapon—must be current at application for license and at renewal. Person must initial separately

Keep current law trespassing penalty.

With regard to retired leos, return to 2007 ABs 876 and 877