

2011 DRAFTING REQUEST

Bill

Received: 04/30/2011

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Pam Galloway (608) 266-2502**

By/Representing: **Jen Esser**

May Contact:

Drafter: **chanaman**

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

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Galloway@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Right to firearms

Instructions:

See attached-- replaces -1067 since changes are extensive

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 05/01/2011	kfollett 05/02/2011		_____			S&L
/P1	chanaman 05/03/2011	kfollett 05/03/2011	rschluet 05/02/2011	_____	sbasford 05/02/2011		S&L
/P2	chanaman 05/03/2011	wjackson 05/03/2011	jfrantze 05/03/2011	_____	mbarman 05/03/2011		S&L
/P3	chanaman 05/04/2011	wjackson 05/04/2011	mduchek 05/03/2011	_____	lparisi 05/03/2011		S&L

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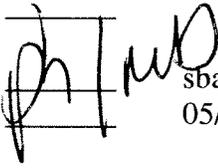
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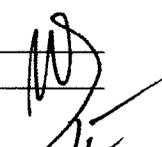
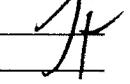
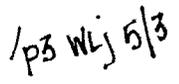
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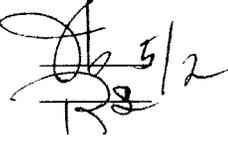
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/?	chanaman	1P/1GF 5/2					

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State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2007/...
CMH&RNK:...

PI

gf

Now a m if possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

going armed with handguns

- 1 AN ACT ...; relating to: ~~carrying firearms~~, possessing or transporting a firearm,
- 2 bow, or crossbow under certain circumstances, and disorderly conduct
- 3 limitations.

Analysis by the Legislative Reference Bureau

x In general, under current Wisconsin law, no person may go armed with a concealed and dangerous weapon. The "going armed with" language includes cases in which a person is carrying a concealed weapon but has not gone and is not going anywhere with it and cases in which a weapon is readily accessible to a person in a car. A person who violates the prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both. This prohibition has many exceptions. First, Wisconsin Statutes expressly exempt law enforcement officers. In addition, under *State v. Hamdan*, 2003 WI 113, 264 Wis. 2d 433, this prohibition is unconstitutional if applied to a person carrying a concealed weapon at his or her own business when: 1) the person's interest in carrying a concealed weapon substantially outweighs the state's interest in enforcing the concealed weapons law; 2) the person has no other reasonable means to keep and handle the weapon; and 3) the person is not motivated by an unlawful purpose in concealing it. In *Hamdan*, the court also indicated that the constitutional right to keep and bear arms for security allows a person to carry a concealed weapon under certain circumstances in his or her own home. Finally, under federal law, qualified law enforcement officers and qualified retired law enforcement officers may carry concealed firearms that have been shipped or transported in interstate or foreign commerce, regardless of any state prohibition. This bill eliminates the prohibition against going armed with a

II

concealed
handgun, which is defined as any [✓]weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore.

Current ~~Wisconsin~~ law also prohibits, with certain exceptions, going armed with or possessing a firearm in a public building, tavern, state park, or wildlife refuge or within 1,000 feet of the grounds of a school. This bill eliminates the prohibitions against going armed with or possessing a firearm in a public building or tavern. This bill applies the prohibition against going armed with or possessing a firearm in a state park or a wildlife refuge only to firearms that are not handguns. This bill also applies the prohibition against going armed with or possessing a firearm within 1,000 feet of the ground of a school only to firearms that are not handguns unless the person is on the premises of a school, including a school building, grounds, or property used for school administration.

S In addition, current ~~Wisconsin~~ law prohibits, with certain exceptions, carrying a firearm, bow, or crossbow in most vehicles unless the firearm is unloaded and encased or the bow or crossbow is unstrung and encased. *This* ~~The~~ bill eliminates the requirements that the firearm be unloaded and encased and that the bow or crossbow be unstrung and encased in order to be carried in a vehicle.

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

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 23.33 (3) (e) of the statutes is repealed. *X*

2 **SECTION 2.** 29.089 (2) of the statutes is amended to read: *✓*

3 29.089 (2) Except as provided in sub. (3) and except if the firearm is a handgun *✓*
4 as defined in s. 175.35 (1) (b), no person may have in his or her possession or under
5 his or her control a firearm on land located in state parks or state fish hatcheries
6 unless the firearm is unloaded and enclosed within a carrying case. *X*

History: 1989 a. 214; 1997 a. 237; 1997 a. 248 s. 599; Stats. 1997 s. 29.089; 2001 a. 109; 2005 a. 286.

7 **SECTION 3.** 29.091 of the statutes is renumbered 29.091 (2). *✓*

History: 1991 a. 316; 1997 a. 248 s. 600; Stats. 1997 s. 29.091.

8 **SECTION 4.** 29.091 (1) of the statutes is created to read:

1 29.091 (1) In this section:

2 (a) "Firearm" does not include a handgun.

3 (b) "Gun" does not include a handgun.

4 (c) "Handgun" has the meaning given in s. 175.35 (1) (b).

5 SECTION 5. 29.314 (1) (ah) of the statutes is created to read:

6 29.314 (1) (ah) "Handgun" has the meaning given in s. 175.35 (1) (b).

7 SECTION 6. 29.314 (3) (a) of the statutes is amended to read:

8 29.314 (3) (a) *Prohibition.* No person may use or possess with intent to use a
9 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in
10 possession of a firearm that is not a handgun, bow and arrow, or crossbow.

11 History: 1979 c. 190; 1983 a. 27, 419, 538; 1987 a. 399; 1997 a. 1; 1997 a. 248 s. 438; Stats. 1997 s. 29.314; 1997 a. 249; 2001 a. 109; 2003 a. 75; 2005 a. 57, 291.

11 SECTION 7. 29.314 (4) (a) of the statutes is amended to read:

12 29.314 (4) (a) *Prohibition.* No person may use or possess with intent to use a
13 light for shining wild animals while the person is hunting or in possession of a
14 firearm that is not a handgun, bow and arrow, or crossbow.

15 History: 1979 c. 190; 1983 a. 27, 419, 538; 1987 a. 399; 1997 a. 1; 1997 a. 248 s. 438; Stats. 1997 s. 29.314; 1997 a. 249; 2001 a. 109; 2003 a. 75; 2005 a. 57, 291.

15 SECTION 8. 29.621 (4) of the statutes is renumbered 29.621 (4) (b).

16 SECTION 9. 29.621 (4) (a) of the statutes is created to read:

17 29.621 (4) (a) In this subsection:

18 1. "Firearm" does not include a handgun.

19 2. "Gun" does not include a handgun.

20 3. "Handgun" has the meaning given in s. 175.35 (1) (b).

21 SECTION 10. 110.07 (1) (a) 1. of the statutes is amended to read:

22 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and
23 chs. 194, 218, 341 to 349 and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3) (b), 167.31

INS
3-21

1 (2) ~~(b)~~ [✓] to [✓] (c) and (d) and 287.81 and ch. 350 where applicable to highways, or orders
2 or rules issued pursuant thereto.

History: 1971 c. 40, 125; 1973 c. 90, 146; 1975 c. 297; 1977 c. 29 ss. 1048, 1654 (7) (a), (c), 1656 (43); 1977 c. 305 s. 64; 1977 c. 418; 1979 c. 221; 1979 c. 333 s. 5; 1979 c. 361 s. 113; 1981 c. 96 s. 67; 1981 c. 390; 1983 a. 27; 1983 a. 175 s. 33; 1983 a. 191 s. 6; 1985 a. 29, 36, 63, 332; 1987 a. 332 s. 64; 1989 a. 31, 167, 170, 240, 335, 359; 1993 a. 25; 1995 a. 201, 227, 341; 1999 a. 9, 85; 2001 a. 68, 109; 2009 a. 42.

3 SECTION 11. 110.07 (1) (a) 3. of the statutes is amended to read:

4 110.07 (1) (a) 3. Have authority to enter any place where vehicles subject to this
5 chapter, ss. 167.31 (2) ~~(b)~~ [✓] to [✓] (c) and (d) and 287.81 and chs. 194, 218 and 341 to 350
6 are stored or parked at any time to examine such vehicles, or to stop such vehicles
7 while en route at any time upon the public highways to examine the same and make
8 arrests for all violations thereof.

History: 1971 c. 40, 125; 1973 c. 90, 146; 1975 c. 297; 1977 c. 29 ss. 1048, 1654 (7) (a), (c), 1656 (43); 1977 c. 305 s. 64; 1977 c. 418; 1979 c. 221; 1979 c. 333 s. 5; 1979 c. 361 s. 113; 1981 c. 96 s. 67; 1981 c. 390; 1983 a. 27; 1983 a. 175 s. 33; 1983 a. 191 s. 6; 1985 a. 29, 36, 63, 332; 1987 a. 332 s. 64; 1989 a. 31, 167, 170, 240, 335, 359; 1993 a. 25; 1995 a. 201, 227, 341; 1999 a. 9, 85; 2001 a. 68, 109; 2009 a. 42.

9 SECTION 12. 110.07 (1) (b) of the statutes is amended to read:

10 110.07 (1) (b) All municipal judges, judges, district attorneys and law
11 enforcement officers shall assist in enforcing this chapter, ss. 167.31 (2) ~~(b)~~ [✓] to [✓] (c) and
12 (d) and 287.81 and chs. 194, 218 and 341 to 351, and orders or rules issued pursuant
13 thereto and shall report to the department the disposition of every uniform traffic
14 citation issued for cases involving those chapters.

History: 1971 c. 40, 125; 1973 c. 90, 146; 1975 c. 297; 1977 c. 29 ss. 1048, 1654 (7) (a), (c), 1656 (43); 1977 c. 305 s. 64; 1977 c. 418; 1979 c. 221; 1979 c. 333 s. 5; 1979 c. 361 s. 113; 1981 c. 96 s. 67; 1981 c. 390; 1983 a. 27; 1983 a. 175 s. 33; 1983 a. 191 s. 6; 1985 a. 29, 36, 63, 332; 1987 a. 332 s. 64; 1989 a. 31, 167, 170, 240, 335, 359; 1993 a. 25; 1995 a. 201, 227, 341; 1999 a. 9, 85; 2001 a. 68, 109; 2009 a. 42.

15 SECTION 13. 167.31 (1) (b) of the statutes is repealed.

16 SECTION 14. 167.31 (1) (g) of the statutes is repealed.

17 SECTION 15. 167.31 (2) (a) of the statutes is repealed.

18 SECTION 16. 167.31 (2) (b) of the statutes is repealed.

19 SECTION 17. 167.31 (2) (c) of the statutes is amended to read:

20 167.31 (2) (c) Except as provided in sub. (4), no person may load or discharge
21 a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

22 SECTION 18. 167.31 (2) (d) of the statutes is amended to read:

1 167.31 (2) (d) Except as provided in sub. (4) (a), ~~(b)~~[✓], (c), (e), and (g), no person
2 may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or
3 across a highway or within 50 feet of the center of a roadway.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

4 **SECTION 19.** 167.31 (2) (e) of the statutes is amended to read:

5 167.31 (2) (e) A person who violates ~~pars. (a) to par. (c)~~[✓] or ~~(d)~~[✓] is subject to a
6 forfeiture of not more than \$100.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

7 **SECTION 20.** 167.31 (3) (title) of the statutes is amended to read:

8 167.31 (3) (title) ~~PROHIBITIONS~~ PROHIBITION; AIRCRAFT.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

9 **SECTION 21.** 167.31 (3) (a) of the statutes is repealed.

10 **SECTION 22.** 167.31 (3) (b) of the statutes is amended to read:

11 167.31 (3) (b) Except as provided in sub. (4), no person may ~~load or~~ discharge
12 a firearm or shoot a bolt or an arrow from a bow or crossbow in or from ~~an~~ a
13 commercial aircraft.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

14 **SECTION 23.** 167.31 (3) (c) of the statutes is amended to read:

15 167.31 (3) (c) A person who violates par. ~~(a) or~~[✓] (b) shall be fined not more than
16 \$1,000 or imprisoned not more than 90 days or both.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

17 **SECTION 24.** 167.31 (4) (a) of the statutes is amended to read:

18 167.31 (4) (a) Subsections (2) ~~(c) and (d)~~[✓] and (3) ~~(b)~~[✓] do not apply to any of the
19 following who, in the line of duty, ~~place, possess, transport, load or~~ discharge a
20 firearm in, on or from a vehicle, motorboat or commercial[✓] aircraft or discharge a
21 firearm from or across a highway or within 50 feet of the center of a roadway:

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

1 **SECTION 25.** 167.31 (4) (am) 1. of the statutes is renumbered 167.31 (4) (am)
2 and amended to read:

3 167.31 (4) (am) Subsections (2) ~~(a)~~, (c) and (d) and (3) ~~(a)~~ and (b) do not apply
4 to a peace officer who, in the line of duty, loads or discharges a firearm in, on, or from
5 a vehicle, motorboat or commercial aircraft or discharges a firearm from or across a
6 highway or within 50 feet of the center of a roadway.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

7 **SECTION 26.** 167.31 (4) (am) 2. and 3. of the statutes are repealed.

8 **SECTION 27.** 167.31 (4) (b) of the statutes is amended to read:

9 167.31 (4) (b) Subsections (2) ~~(a)~~, ~~(b)~~ and (c), (3) ~~(a)~~ and (b), and (3m) ^(a) do not
10 apply to the holder of a scientific research license under s. 169.25 or a scientific
11 collector permit under s. 29.614 who is using a net gun or tranquilizer gun in an
12 activity related to the purpose for which the license or permit was issued.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

13 **SECTION 28.** 167.31 (4) (bg), (bn) and (bt) of the statutes are repealed.

14 **SECTION 29.** 167.31 (4) (c) of the statutes is amended to read:

15 167.31 (4) (c) Subsection (2) ~~(b)~~ and (c) does not apply to the holder of a Class A
16 or Class B permit under s. 29.193 (2) who is hunting from a stationary vehicle.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

17 **SECTION 30.** 167.31 (4) (cm) and (d) of the statutes are repealed.

18 **SECTION 31.** 167.31 (4) (f) of the statutes is amended to read:

19 167.31 (4) (f) Subsection (2) (d) does not prohibit a person from possessing a
20 loaded firearm within 50 feet of the center of a roadway if the person does not violate
21 sub. (2) ~~(b)~~ or (c).

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

22 **SECTION 32.** 345.11 (1s) of the statutes is amended to read:

1 345.11 (1s) The uniform traffic citation shall be used by a traffic officer
2 employed under s. 110.07 for a violation of s. 167.31 (2) (b), (c) or (d) when committed
3 on a highway.

History: 1971 c. 164 s. 81; 1971 c. 277; 1973 c. 218; 1975 c. 41; 1977 c. 29 ss. 1468, 1654 (7) (a), (c); 1977 c. 273; 1979 c. 34, 257; 1985 a. 29, 36, 145, 309; 1989 a. 31, 105, 170, 335; 1993 a. 436, 437; 1995 a. 227; 1997 a. 120; 1999 a. 31, 140; 2001 a. 27; 2003 a. 33; 2009 a. 55, 367.

4 **SECTION 33.** 345.20 (2) (f) of the statutes is amended to read:

5 345.20 (2) (f) Sections 23.50 to 23.85 apply to actions in circuit court to recover
6 forfeitures and weapons surcharges imposed under ch. 814 for violations of s. 167.31
7 (2) (b), (c), or (d). No points may be assessed against the driving record of a person
8 convicted of a violation of s. 167.31 (2) (b), (c), or (d). The report of conviction shall
9 be forwarded to the department.

History: 1971 c. 278; 1977 c. 305; 1979 c. 32 s. 92 (16), (17); 1979 c. 34; 1979 c. 175 s. 50; 1981 c. 20, 165; 1983 a. 74, 189; 1985 a. 36; 1987 a. 3, 267; 1989 a. 31, 105, 170, 335; 1993 a. 359; 1995 a. 227; 2003 a. 139.

10 **SECTION 34.** 938.34 (14q) of the statutes is amended to read:

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11 **938.34 (14q) CERTAIN BOMB SCARES AND FIREARM VIOLATIONS.** In addition to any
12 other disposition imposed under this section, if the juvenile is found to have violated
13 s. 947.015 and the property involved is owned or leased by the state or any political
14 subdivision of the state, or if the property involved is a school premises, as defined
15 in s. 948.61 (1) (c), or if the juvenile is found to have violated s. ~~941.235~~ or 948.605,
16 immediately suspend the juvenile's operating privilege, as defined in s. 340.01 (40),
17 for 2 years. The court shall immediately forward to the department of transportation
18 the notice of suspension, stating that the suspension is for a violation of s. 947.015
19 involving school premises, or for a violation of s. ~~941.235~~ or 948.605. If otherwise
20 eligible, the juvenile is eligible for an occupational license under s. 343.10.

History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14, 253, 277, 344; 2007 a. 97, 116; 2009 a. 8, 28, 103, 137, 185, 302, 334; s. 13.92 (2) (i).

21 **SECTION 35.** 938.78 (3) of the statutes is amended to read:

22 **938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES.** If a juvenile
23 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need

1 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,
 2 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
 3 or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,
 4 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)
 5 (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.085 (2),
 6 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from a
 7 juvenile correctional facility, residential care center for children and youth, inpatient
 8 facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile portion of
 9 a county jail, or from the custody of a peace officer or a guard of such a facility, center,
 10 or jail, or has been allowed to leave a juvenile correctional facility, residential care
 11 center for children and youth, inpatient facility, juvenile detention facility, or
 12 juvenile portion of a county jail for a specified time period and is absent from the
 13 facility, center, home, or jail for more than 12 hours after the expiration of the
 14 specified period, the department or county department having supervision over the
 15 juvenile may release the juvenile's name and any information about the juvenile that
 16 is necessary for the protection of the public or to secure the juvenile's return to the
 17 facility, center, home, or jail. The department shall promulgate rules establishing
 18 guidelines for the release of the juvenile's name or information about the juvenile to
 19 the public.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 230, 352; 1997 a. 205, 207, 283; 1999 a. 9; 2001 a. 38, 59, 109; 2003 a. 292, 321; 2005 a. 25, 277, 293, 344, 406, 434; 2007
 a. 20 ss. 3834, 9121 (6) (a); 2007 a. 97; 2009 a. 79, 302, 338.

20 **SECTION 36.** 939.632 (1) (e) 3. of the statutes is amended to read:

21 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
 22 (2), 940.42, 940.44, 941.20 (1), 941.23, 941.235, 941.24 or 941.38 (3).

History: 1995 a. 22; 2001 a. 109; 2005 a. 277; 2007 a. 116, 127; 2009 a. 180, 302.

23 **SECTION 37.** 941.23 of the statutes is amended to read:

1 **941.23 Carrying concealed weapon.** Any person except a peace officer who
2 goes armed with a concealed and dangerous weapon that is not a handgun, as defined
3 in s. 175.35 (1) (b), is guilty of a Class A misdemeanor. Notwithstanding s. 939.22
4 (22), for purposes of this section, peace officer does not include a commission warden
5 who is not a state-certified commission warden.

History: 1977 c. 173; 1979 c. 115, 221; 2007 a. 27.

6 **SECTION 38.** 941.235 of the statutes is repealed.

7 **SECTION 39.** 941.237 of the statutes is repealed.

8 **SECTION 40.** 941.299 (1) (a) of the statutes is amended to read:

9 941.299 (1) (a) "Correctional officer" ~~has the meaning given in s. 941.237 (1)~~

10 **(b) means any person employed by the state or any political subdivision as a guard**

11 **or officer whose principal duties are the supervision and discipline of inmates.**

History: 1999 a. 157; 2007 a. 27.

INS
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12 **SECTION 41.** 943.13 (1) (af) of the statutes is created to read:

13 943.13 (1) (af) "Handgun" has the meaning given in s. 175.35 (1) (b).

14 **SECTION 42.** 948.605 (1) (a) of the statutes is amended to read:

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15 948.605 (1) (a) "Encased" ~~has the meaning given in s. 167.31 (1) (b)~~ **means**

16 enclosed in a case that is completely zipped, snapped, buckled, tied or otherwise

17 fastened with no part of the firearm exposed.

History: 1991 a. 17; 1993 a. 336; 2001 a. 109; 2005 a. 290; 2007 a. 27.

18 **SECTION 43.** 948.605 (1) (af) of the statutes is created to read:

19 948.605 (1) (af) "Handgun" has the meaning given in s. 175.35 (1) (b).

20 **SECTION 44.** 948.605 (1) (bm) of the statutes is created to read:

21 948.605 (1) (bm) "School premises" has the meaning given under s. 948.61 (1)

22 (c).

23 **SECTION 45.** 948.605 (2) (a) (intro.) of the statutes is amended to read:

SECTION 45

1 948.605 (2) (a) (intro.) Any individual who knowingly possesses a firearm that
2 is not a handgun at a place that the individual knows, or has reasonable cause to
3 believe, is a school zone is guilty of a Class I felony.

History: 1991 a. 17; 1993 a. 336; 2001 a. 109; 2005 a. 290; 2007 a. 27.

4 **SECTION 46.** 948.605 (2) (b) (intro.) of the statutes is amended to read:

5 948.605 (2) (b) (intro.) Paragraph (a) does not apply to the possession of a
6 firearm that is not a handgun:

History: 1991 a. 17; 1993 a. 336; 2001 a. 109; 2005 a. 290; 2007 a. 27.

7 **SECTION 47.** 948.605 (2m) of the statutes is created to read:

8 948.605 (2m) POSSESSION OF HANDGUN ON SCHOOL PREMISES. (a) Any individual
9 who knowingly possesses a handgun at a place that the individual knows, or has
10 reasonable cause to believe, is on school premises is guilty of a Class I felony.

11 (b) This subsection does not apply to a law enforcement officer acting in his or
12 her official capacity.

13 **SECTION 48.** 968.255 (1) (a) 2. of the statutes is amended to read: (1)

14 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20
15 (1), 941.23, ~~941.237~~, 941.24, 948.60, or 948.61.

History: 1979 c. 240; 1981 c. 297; 1987 a. 332; 1991 a. 17; 1993 a. 95, 105; ~~1995~~ a. 77, 154; 1997 a. 35; 1999 a. 9; 2001 a. 109; 2005 a. 344.

16 **SECTION 49.** 973.137 (1) of the statutes is repealed.

17 (END)

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1 wildlife refuge a gun, firearm, bow or crossbow, unless the gun or firearm is unloaded,
 2 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
 3 within a carrying case. ~~Nothing in this section may prohibit, prevent or interfere~~
 4 ~~with the department in the destruction of injurious animals. This subsection, as it~~
 5 ~~relates to the possession or control of a loaded or unencased firearm, does not apply~~
 6 ~~to any of the following:~~

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

8 29.621 (4) (a) A person who is employed in this state by a public agency as a
 9 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

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

11 29.621 (4) (b) A qualified out-of-state law enforcement officer, as defined in s.
 12 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

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

14 29.621 (4) (c) 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 22.** 29.621 (4) (d) of the statutes is created to read:

17 29.621 (4) (d) 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 gun or firearm is a handgun, as defined
 19 in s. 175.60 (1) (bm).

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

21 29.621 (6) INJURIOUS ANIMALS. Nothing in this section may prohibit, prevent,
 22 or interfere with the department in the destruction of injurious animals.

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

24 48.685 (2) (bb) If information obtained under par. (am) or (b) 1. indicates a
 25 charge of a serious crime, but does not completely and clearly indicate the final

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

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

19 50.065 (2) (bb) If information obtained under par. (am) or (b) indicates a charge
20 of a serious crime, but does not completely and clearly indicate the final disposition
21 of the charge, the department or entity shall make every reasonable effort to contact
22 the clerk of courts to determine the final disposition of the charge. If a background
23 information form under sub. (6) (a) or (am), or any disclosure made pursuant to a
24 disclosure policy described under sub. (6) (am), indicates a charge or a conviction of
25 a serious crime, but information obtained under par. (am) or (b) does not indicate

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1 such a charge or conviction, the department or entity shall make every reasonable
2 effort to contact the clerk of courts to obtain a copy of the criminal complaint and the
3 final disposition of the complaint. If information obtained under par. (am) or (b), a
4 background information form under sub. (6) (a) or (am), any disclosure made
5 pursuant to a disclosure policy described under sub. (6) (am), or any other
6 information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20,
7 941.30, 942.08, 947.01 (1) or 947.013 obtained not more than 5 years before the date
8 on which that information was obtained, the department or entity shall make every
9 reasonable effort to contact the clerk of courts to obtain a copy of the criminal
10 complaint and judgment of conviction relating to that violation.

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

12 59.54 (6) PEACE AND ORDER. The board may enact and enforce ordinances to
13 preserve the public peace and good order within the county including, but not limited
14 by enumeration, ordinances prohibiting conduct that is the same as or similar to
15 conduct that is prohibited by ss. 947.01 (1) and 947.02, and provide a forfeiture for
16 a violation of the ordinances.

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

18 66.0409 (3) (b) Nothing in this section prohibits a city, village or town that is
19 authorized to exercise village powers under s. 60.22 (3) from enacting an ordinance
20 or adopting a resolution that restricts the discharge of a firearm. Any ordinance or
21 resolution that restricts the discharge of a firearm does not apply and may not be
22 enforced if the actor's conduct is justified or, had it been subject to a criminal penalty,
23 would have been subject to a defense described in s. 939.45.

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

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1 66.0409 (6) No person may be in violation of, or be charged with a violation of,
 2 an ordinance of a political subdivision relating to disorderly conduct or other
 3 inappropriate behavior for loading, carrying, or going armed with a ^{firearm} handgun, as
 4 defined in s. ~~175.35(1)(a)~~ without regard to whether the ^{firearm} handgun is loaded or is
 5 concealed or openly carried. Any ordinance in violation of this subsection does not
 apply and may not be enforced.

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

8 165.25 (12) RULES REGARDING CONCEALED WEAPONS LICENSES. Promulgate by
 9 rule a list of states that issue a permit, license, approval, or other authorization to
 10 carry a concealed weapon if the permit, license, approval, or other authorization
 11 requires, or designates that the holder chose to submit to, a background search that
 12 is comparable to a background check as defined in s. 175.60 (1) (ac).

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

14 **165.60 Law enforcement.** The department of justice is authorized to enforce
 15 ss. 101.123 (2), (2m), and (8), ~~175.60 (17) (e), 944.30, 944.31, 944.33, 944.34, 945.02~~
 16 ~~(2), 945.03 (1m), and 945.04 (1m) and ch. 108~~ and, with respect to a false statement
 17 submitted or made under s. 175.60 (7) (b) or (15) (b) 2., to enforce s. 946.32 and is
 18 invested with the powers conferred by law upon sheriffs and municipal police officers
 19 in the performance of those duties. This section does not deprive or relieve sheriffs,
 20 constables, and other local police officers of the power and duty to enforce those
 21 sections, and those officers shall likewise enforce those sections.

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

23 165.81 (2) Any electric weapon, as defined in s. 941.295 (4) (1c) (a), in the
 24 possession of the laboratories shall either be destroyed or be turned over to an agency
 25 authorized to have electric weapons under s. 941.295 (2).

BILL

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

2 ~~165.82 (1) (intro.)~~ Notwithstanding s. 19.35 (3), the department of justice shall
3 impose the following fees, plus any surcharge required under sub. (1m), for criminal
4 history searches for purposes unrelated to criminal justice or to s. ~~175.35, 175.49, or~~
5 175.60:

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

7 ~~165.82 (2)~~ Except as provided in s. ~~175.35~~, The department of justice shall
8 not impose fees for criminal history searches for purposes related to criminal justice.

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

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

11 167.30 (2) Subsection (1) does not apply to the discharge of a firearm if the
12 actor's conduct is justified or, had it been subject to a criminal penalty, would have
13 been subject to a defense described in s. 939.45.

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

15 ~~167.31 (1) (b) "Encased" means enclosed in a case that is expressly made for~~
16 ~~the purpose of containing a firearm and that is completely zipped, snapped, buckled,~~
17 tied or otherwise fastened with no part of the firearm exposed.

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

19 167.31 (2) (a) Except as provided in sub. (4), no person may place, possess or
20 transport a firearm, ~~bow or crossbow~~ in or on a motorboat with the motor running,
21 unless the firearm is unloaded ~~or unless the bow or crossbow is unstrung or is~~
22 enclosed in a carrying case.

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

24 167.31 (2) (b) Except as provided in sub. (4), no person may place, possess or
25 transport a firearm, ~~bow or crossbow~~ in or on a vehicle, unless the firearm is unloaded

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SECTION 38

1 and encased ~~or unless the bow or crossbow is unstrung or is enclosed in a carrying~~
2 case.

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

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

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

9 167.31 (4) (ar) Subsection (2) (a), (b), and (c), and, if the aircraft is not a
10 commercial aircraft, sub. (3) (a) and (b), do not apply to the placement, possession,
11 transportation, or loading of a firearm by any of the following:

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

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

16 3. A former law enforcement officer, as defined in s. 941.23 (1) (c), to whom s.
17 941.23 (2) (c) 1. to 5. applies.

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

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

21 167.31 (4) (at) Subsections (2) (c) and (d), ^{and (3m) (a)} and (3) (b) do not apply to the
22 discharge of a firearm if the actor's conduct is justified or, had it been subject to a
23 criminal penalty, would have been subject to a defense described in s. 939.45.

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

BILL

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:

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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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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).

*means to
be armed
with*

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 ^{handgun} 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 ^{handgun} 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 ^{handgun} ~~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 ^{handgun} ~~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 ^{handgun} ~~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 ^{handgun} ~~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 ^{handgun} ~~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 ^{handgun} ~~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 ^{handgun} ~~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**SECTION 87**

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~~ ^{handgun} 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

BILL

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

*1WS
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cont.*

BILL**SECTION 92**

1 in s. 175.35 (1) (b), without regard to whether the handgun 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).
947.011 (2) (d) 9/14

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) (d); 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:

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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

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BILL**SECTION 103**

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)

Hanaman, Cathlene

From: Esser, Jennifer
Sent: Tuesday, May 03, 2011 9:21 AM
To: Hanaman, Cathlene
Subject: FW: Permit bill

How hard would it be to incorporate the school zone tweak?

From: Konopacki, Larry
Sent: Tuesday, May 03, 2011 8:30 AM
To: Esser, Jennifer
Subject: Permit bill

Hi Jen, below are my comments on Chris Zealand's 2 e-mails - I thought I would quickly jot all of this down since I will be largely unavailable prior to your 1:00 target time.

School zone language: I think Chris has a good point here. To be consistent with what I understand to be your intent, this needs to be changed. You could tweak the school zone language so that a person can possess a firearm in accordance with the federal school zone law, EXCEPT that a person carrying under the authority of a license is further limited under state law from carrying on school premises. (Chris is correct, as it is written now, none of the exceptions to the gun free school zone law apply on school grounds, which is more restrictive than current law). If you are concerned about his points about the definition of "school premises" you could change this to "school grounds" as defined in the statutes, noting that any additional buildings in which school functions might be held could be posted as closed to carry.

Thanks,

Larry

Larry A. Konopacki
Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov

My read of the "school zone" language is that it is actually more restrictive than current law. For example, the current exceptions for unloaded, cased firearms, and for unloaded firearms that are possessed by individuals traversing school grounds, with the administrator's authority, to get to hunting lands, would apply even on the "school premises" themselves. The current law even has an unrestricted license exception (although of course no licenses are actually being issued).

Note, too, that this draft's definition of "school premises" where even permittees couldn't carry includes property that is merely being "used or operated for school administration." In Tennessee, the AG ruled under very similar language that premises that normally aren't banned could become so while being "used" for a school function and that the state would not have to prove posting as an element of the offense. Thus, a licensee could walk into a public library or public park that he'd been in dozens of times before and suddenly be in violation because a school event happened to be occurring on the premises that day and the individual knew or had reasonable cause to believe the event was occurring (although he wouldn't need to know the event made the premises a prohibited zone).

Hanaman, Cathlene

From: Esser, Jennifer
Sent: Tuesday, May 03, 2011 9:27 AM
To: Hanaman, Cathlene
Subject: RE: Permit bill

Excellent...then I'll follow up with this email with regards to same issue on permit-less (2007-p1). Larry's comments.

From: Konopacki, Larry
Sent: Tuesday, May 03, 2011 8:50 AM
To: Esser, Jennifer
Subject: RE: Electric weapons

-----Original Message-----

From: Esser, Jennifer
Sent: Monday, May 02, 2011 10:12 PM
To: Konopacki, Larry
Subject: RE: Electric weapons

2007 P1 Additional Questions:

p 2 paragraph 2....will the bill reflect the complete ban on schools but recognize the ability to hunt in school forestland provided the school board approves (like what's in the permit bill). The wording in that paragraph on schools confuses me.... maybe that's what the intention is (ie: firearms that are not guns)

- the bill has the same potential issue as in my previous e-mail about "school premises": it maintains all of the current exemptions from the gun free school zones law for non-handguns, and creates a separate restriction for handguns on "school premises". Also, this should be changed to clarify that the current-law exceptions to the gun free school zones law also apply to handguns (like unloaded/encased firearms on school grounds, etc)

p. 13 line 18: reference to state/political subdivision reference.....we're adding screen & storage

- Correct, that should be in the next draft.

p. 14 lines 19 & 21: reference to state/political subdivision posting a sign...this bill is screening & storage (but I think we added this post-2007 p1)

- Correct

p. 17 does not include the Initial Applicability

- You may not need Initial Appl. language in this draft since there isn't a permitting system to get up and running - I would defer to Cathlene and you on this one.

From: Hanaman, Cathlene
Sent: Tuesday, May 03, 2011 9:25 AM
To: Esser, Jennifer
Subject: RE: Permit bill

Working on it. Thanks.

From: Esser, Jennifer
Sent: Tuesday, May 03, 2011 9:21 AM
To: Hanaman, Cathlene
Subject: FW: Permit bill

How hard would it be to incorporate the school zone tweak?

From: Konopacki, Larry
Sent: Tuesday, May 03, 2011 8:30 AM
To: Esser, Jennifer
Subject: Permit bill

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Hanaman, Cathlene

From: Konopacki, Larry
Sent: Monday, May 02, 2011 5:33 PM
To: Hanaman, Cathlene
Cc: Esser, Jennifer
Subject: Electric weapons

Hi Cathlene, I spoke with Jen and she decided that she would like for you mirror the provisions in related to electric weapons in LRB 1066 in LRB 2007, including exempting "weapons" from s. 941.23 instead of "handguns" and including relevant provisions related to s. 941.295 (?) related to electric weapons.

I think this is the last issue that we had to resolve, to date. Let me know if there is anything else that I can do.

Thanks!
Larry

Larry A. Konopacki
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