



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2007/P*
CMH&RNK:kjf:rs

Now

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

page cut

1 AN ACT *to repeal* 23.33 (3) (e), 167.31 (1) (b), 167.31 (1) (g), 167.31 (2) (a), 167.31
2 (2) (b), 167.31 (3) (a), 167.31 (4) (am) 2. and 3., 167.31 (4) (bg), (bn) and (bt),
3 167.31 (4) (cm) and (d), 941.235, 941.237 and 973.137 (1); *to renumber* 29.091,
4 29.621 (4), 167.30, 943.13 (1e) (a) and 947.01; *to renumber and amend* 167.31
5 (4) (am) 1. and 943.13 (2); *to amend* 29.089 (2), 29.314 (3) (a), 29.314 (4) (a),
6 48.685 (2) (bb), 50.065 (2) (bb), 59.54 (6), 66.0409 (3) (b), 110.07 (1) (a) 1., 110.07
7 (1) (a) 3., 110.07 (1) (b), 167.31 (2) (c), 167.31 (2) (d), 167.31 (2) (e), 167.31 (3)
8 (title), 167.31 (3) (b), 167.31 (3) (c), 167.31 (4) (a), 167.31 (4) (b), 167.31 (4) (c),
9 167.31 (4) (f), 345.11 (1s), 345.20 (2) (f), 895.527 (5) (a), 938.34 (14q), 938.78 (3),
10 939.632 (1) (e) 3., 941.23, 941.299 (1) (a), 943.13 (1m) (b), 943.13 (3), 947.011 (2)
11 (a) 1., 947.011 (2) (c) 1., 947.011 (2) (d), 948.605 (1) (a), 948.605 (2) (a), 948.605
12 (2) (b) (intro.), 968.255 (1) (a) 2., 971.37 (1m) (a) 2. and 973.055 (1) (a) 1.; and
13 *to create* 29.091 (1), 29.314 (1) (ah), 29.621 (4) (a), 66.0409 (6), 167.30 (2),
14 167.31 (4) (at), 943.13 (1e) (aL), 943.13 (1e) (at), 943.13 (1e) (cm), 943.13 (1m)
15 (c), 943.13 (2) (bm), 947.01 (2), 948.605 (1) (af), 948.605 (1) (bm) and 948.605

1
2
3

(2m) of the statutes; **relating to:** going armed with handguns, possessing or transporting a firearm, bow, or crossbow under certain circumstances, and disorderly conduct limitations. *and electric weapons*

Analysis by the Legislative Reference Bureau

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 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 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 grounds 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. *Any federal prohibitions against*

In addition, current 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 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.

regularly

IN 5 A

guns in school zones still apply.

(91)

This bill also repeals the current law prohibition against possessing electric weapons.

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.

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.

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

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

9 29.091 (1) In this section:

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

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

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

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

14 29.314 (1) (ah) "Handgun" has the meaning given in s. 175.35 (1) (b).

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

16 29.314 (3) (a) *Prohibition.* No person may use or possess with intent to use a
17 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in
18 possession of a firearm that is not a handgun, bow and arrow, or crossbow.

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

2 29.314 **(4)** (a) *Prohibition.* No person may use or possess with intent to use a
3 light for shining wild animals while the person is hunting or in possession of a
4 firearm that is not a handgun, bow and arrow, or crossbow.

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

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

7 29.621 **(4)** (a) In this subsection:

8 1. “Firearm” does not include a handgun.

9 2. “Gun” does not include a handgun.

10 3. “Handgun” has the meaning given in s. 175.35 (1) (b).

11 **SECTION 10.** 48.685 (2) (bb) of the statutes is amended to read:

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

1 obtained not more than 5 years before the date on which that information was
2 obtained, the department, county department, agency contracted with under s.
3 48.651 (2), child welfare agency, school board, or entity shall make every reasonable
4 effort to contact the clerk of courts to obtain a copy of the criminal complaint and
5 judgment of conviction relating to that violation.

6 **SECTION 11.** 50.065 (2) (bb) of the statutes is amended to read:

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

24 **SECTION 12.** 59.54 (6) of the statutes is amended to read:

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

6 **SECTION 13.** 66.0409 (3) (b) of the statutes is amended to read:

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

13 **SECTION 14.** 66.0409 (6) of the statutes is created to read:

14 66.0409 **(6)** No person may be in violation of, or be charged with a violation of,
15 an ordinance of a political subdivision relating to disorderly conduct or other
16 inappropriate behavior for loading, carrying, or going armed with a firearm, without
17 regard to whether the firearm is loaded or is concealed or openly carried. Any
18 ordinance in violation of this subsection does not apply and may not be enforced.

19 **SECTION 15.** 110.07 (1) (a) 1. of the statutes is amended to read:

20 110.07 **(1)** (a) 1. Enforce and assist in the administration of this chapter and
21 chs. 194, 218, 341 to 349 and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3) (b), 167.31
22 (2) ~~(b) to (c)~~ (c) and (d) and 287.81 and ch. 350 where applicable to highways, or orders
23 or rules issued pursuant thereto.

24 **SECTION 16.** 110.07 (1) (a) 3. of the statutes is amended to read:

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

6 **SECTION 17.** 110.07 (1) (b) of the statutes is amended to read:

7 110.07 (1) (b) All municipal judges, judges, district attorneys and law
8 enforcement officers shall assist in enforcing this chapter, ss. 167.31 (2) ~~(b) to (c)~~ and
9 (d) and 287.81 and chs. 194, 218 and 341 to 351, and orders or rules issued pursuant
10 thereto and shall report to the department the disposition of every uniform traffic
11 citation issued for cases involving those chapters.

12 **SECTION 18.** 167.30 of the statutes is renumbered 167.30 (1).

13 **SECTION 19.** 167.30 (2) of the statutes is created to read:

14 167.30 (2) Subsection (1) does not apply to the discharge of a firearm if the
15 actor's conduct is justified or, had it been subject to a criminal penalty, would have
16 been subject to a defense described in s. 939.45.

17 **SECTION 20.** 167.31 (1) (b) of the statutes is repealed.

18 **SECTION 21.** 167.31 (1) (g) of the statutes is repealed.

19 **SECTION 22.** 167.31 (2) (a) of the statutes is repealed.

20 **SECTION 23.** 167.31 (2) (b) of the statutes is repealed.

21 **SECTION 24.** 167.31 (2) (c) of the statutes is amended to read:

22 167.31 (2) (c) Except as provided in sub. (4), no person may ~~load or~~ discharge
23 a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

24 **SECTION 25.** 167.31 (2) (d) of the statutes is amended to read:

115
7-12

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.

4 SECTION 26. 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.

7 SECTION 27. 167.31 (3) (title) of the statutes is amended to read:

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

9 SECTION 28. 167.31 (3) (a) of the statutes is repealed. *x*

10 SECTION 29. 167.31 (3) (b) of the statutes is amended to read: *plain*

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. *g*

14 SECTION 30. 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. *(a) and*

17 SECTION 31. 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: *plain*

22 SECTION 32. 167.31 (4) (am) 1. of the statutes is renumbered 167.31 (4) (am)
23 and amended to read:

24 167.31 (4) (am) Subsections (2) ~~(a), (c) and (d)~~ and (3) ~~(a) and~~ (b) do not apply
25 to a peace officer who, in the line of duty, ~~loads or~~ discharges a firearm in, on, or from *plain*

INS
8-10

1 a vehicle, motorboat or commercial aircraft or discharges a firearm from or across a
2 highway or within 50 feet of the center of a roadway.

3 **SECTION 33.** 167.31 (4) (am) 2. and 3. of the statutes are repealed.

4 **SECTION 34.** 167.31 (4) (at) of the statutes is created to read:

5 167.31 (4) (at) Subsections (2) (c) and (d), (3) (b), and (3m) (a) do not apply to
6 the discharge of a firearm if the actor's conduct is justified or, had it been subject to
7 a criminal penalty, would have been subject to a defense described in s. 939.45.

8 **SECTION 35.** 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.

13 **SECTION 36.** 167.31 (4) (bg), (bn) and (bt) of the statutes are repealed.

14 **SECTION 37.** 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.

17 **SECTION 38.** 167.31 (4) (cm) and (d) of the statutes are repealed.

18 **SECTION 39.** 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).

22 **SECTION 40.** 345.11 (1s) of the statutes is amended to read:

23 345.11 (1s) The uniform traffic citation shall be used by a traffic officer
24 employed under s. 110.07 for a violation of s. 167.31 (2) ~~(b),~~ (c) or (d) when committed
25 on a highway.

SECTION 41

1 **SECTION 41.** 345.20 (2) (f) of the statutes is amended to read:

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

7 **SECTION 42.** 895.527 (5) (a) of the statutes is amended to read:

8 895.527 **(5)** (a) Section 167.30 (1), 941.20 (1) (d) or 948.605 or any rule
9 promulgated under those sections regulating or prohibiting the discharge of
10 firearms.

11 **SECTION 43.** 938.34 (14q) of the statutes is amended to read:

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

22 **SECTION 44.** 938.78 (3) of the statutes is amended to read:

23 938.78 **(3)** RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile
24 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
25 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,

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

19 **SECTION 45.** 939.632 (1) (e) 3. of the statutes is amended to read:

20 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
 21 (2), 940.42, 940.44, 941.20 (1), 941.23, ~~941.235~~, 941.24 or 941.38 (3).

22 **SECTION 46.** 941.23 of the statutes is amended to read:

23 **941.23 Carrying concealed weapon.** Any person except a peace officer who
 24 goes armed with a concealed and dangerous weapon that is not a handgun, as defined
 25 in s. 175.35 (1) (b), is guilty of a Class A misdemeanor. Notwithstanding s. 939.22

MS
11-19

SECTION 46

1 (22), for purposes of this section, peace officer does not include a commission warden
2 who is not a state-certified commission warden.

INS →

3 **SECTION 47.** 941.235 of the statutes is repealed.

12-3

4 **SECTION 48.** 941.237 of the statutes is repealed.

INS →

5 **SECTION 49.** 941.299 (1) (a) of the statutes is amended to read:

6 941.299 (1) (a) "Correctional officer" ~~has the meaning given in s. 941.237 (1)~~
7 ~~(b) means any person employed by the state or any political subdivision as a guard~~
8 ~~or officer whose principal duties are the supervision and discipline of inmates.~~

INS
12-5

9 **SECTION 50.** 943.13 (1e) (a) of the statutes is renumbered 943.13 (1e) (ar).

10 **SECTION 51.** 943.13 (1e) (aL) of the statutes is created to read:

11 943.13 (1e) (aL) "Carry" means to go armed with.

12 **SECTION 52.** 943.13 (1e) (at) of the statutes is created to read:

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

14 **SECTION 53.** 943.13 (1e) (cm) of the statutes is created to read:

15 943.13 (1e) (cm) "Nonresidential building" includes any privately or publicly
16 owned building on the grounds of a university or college.

17 **SECTION 54.** 943.13 (1m) (b) of the statutes is amended to read:

18 943.13 (1m) (b) Enters or remains on any land of another after having been
19 notified by the owner or occupant not to enter or remain on the premises. This
20 paragraph does not apply to an individual if the owner's or occupant's intent is to
21 prevent the individual from carrying a handgun on the owner's or occupant's land.

22 **SECTION 55.** 943.13 (1m) (c) of the statutes is created to read:

23 943.13 (1m) (c) 1. While carrying a handgun, enters or remains at a residence
24 that the actor does not own or occupy after the owner of the residence, if he or she
25 has not leased it to another person, or the occupant of the residence has notified the

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

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

16 3. While carrying a handgun, enters or remains in any part of a building that
17 is owned, occupied, or controlled by the state or any political subdivision of the state,
18 if the state or political subdivision has notified the actor not to enter or remain in the
19 building while carrying a handgun. This subdivision does not apply to a person who
20 leases residential or business premises in the building or, if the handgun is in a
21 vehicle driven or parked in the parking facility, to any part of the building used as
22 a parking facility.

23 **SECTION 56.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
24 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

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

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

14 **SECTION 57.** 943.13 (2) (bm) of the statutes is created to read:

15 943.13 (2) (bm) 1. In this paragraph, "sign" means a sign that states a
16 restriction imposed under subd. 2. that is at least 8.5 inches by 11 inches and colored
17 orange as described in s. 29.301 (2).

18 2. For the purposes of sub. (1m) (c) 2. ^{✓ 91} (and 3), an owner or occupant of a part of
19 a nonresidential building (or the state or any political subdivision of the state) has
20 notified an individual not to enter or remain in that part of the building while
21 carrying a handgun if the owner ^{or} occupant, state, or political subdivision of the state
22 has posted a sign that is located in a prominent place near all of the entrances to the
23 part of the building to which the restriction applies and any individual entering the
24 building can be reasonably expected to see the sign.

25 **SECTION 58.** 943.13 (3) of the statutes is amended to read:

1 943.13 (3) Whoever erects on the land of another signs which are the same as
2 or similar to those described in sub. (2) (am) without obtaining the express consent
3 of the lawful occupant of or holder of legal title to such land is subject to a Class C
4 forfeiture.

5 **SECTION 59.** 947.01 of the statutes is renumbered 947.01 (1).

6 **SECTION 60.** 947.01 (2) of the statutes is created to read:

7 947.01 (2) A person is not in violation of, and may not be charged with a
8 violation of, sub. (1) for loading, carrying, or going armed with a handgun, as defined
9 in s. 175.35 (1) (b), without regard to whether the handgun is loaded or is concealed
10 or openly carried.

11 **SECTION 61.** 947.011 (2) (a) 1. of the statutes is amended to read:

12 947.011 (2) (a) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
13 500 feet of any entrance to a facility being used for the service with the intent to
14 disrupt the service.

15 **SECTION 62.** 947.011 (2) (c) 1. of the statutes is amended to read:

16 947.011 (2) (c) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
17 500 feet of any entrance to a facility being used for the service.

18 **SECTION 63.** 947.011 (2) (d) of the statutes is amended to read:

19 947.011 (2) (d) No person may impede vehicles that are part of a funeral
20 procession if the person's conduct violates s. 947.01 (1).

21 **SECTION 64.** 948.605 (1) (a) of the statutes is amended to read:

22 948.605 (1) (a) "Encased" ~~has the meaning given in s. 167.31 (1) (b)~~ means
23 enclosed in a case that is completely zipped, snapped, buckled, tied, or otherwise
24 fastened with no part of the firearm exposed.

25 **SECTION 65.** 948.605 (1) (af) of the statutes is created to read:

1W5
15-21

except "school premises" does not include buildings that are not regularly used for school administration

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

2 SECTION 66. 948.605 (1) (bm) of the statutes is created to read:

3 948.605 (1) (bm) "School premises" has the meaning given under s. 948.61 (1)

4 (c).

5 SECTION 67. 948.605 (2) (a) of the statutes is/amended to read:

6 948.605 (2) (a) Any individual who knowingly possesses a firearm that is not
7 a handgun at a place that the individual knows, or has reasonable cause to believe,
8 is a school zone is guilty of a Class I felony.

9 SECTION 68. 948.605 (2) (b) (intro.) of the statutes is amended to read:

10 948.605 (2) (b) (intro.) Paragraph (a) does not apply to the possession of a
11 firearm that is not a handgun.

12 SECTION 69. 948.605 (2m) of the statutes is created to read:

13 948.605 (2m) POSSESSION OF HANDGUN ON SCHOOL PREMISES. (a) Any individual
14 who knowingly possesses a handgun at a place that the individual knows, or has
15 reasonable cause to believe, is on school premises is guilty of a Class I felony.

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

18 SECTION 70. 968.255 (1) (a) 2. of the statutes is amended to read:

19 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30 (1), 940.19,
20 941.20 (1), 941.23, 941.237, 941.24, 948.60, or 948.61.

21 SECTION 71. 971.37 (1m) (a) 2. of the statutes is amended to read:

22 971.37 (1m) (a) 2. An adult accused of or charged with a criminal violation of
23 s. 940.19, 940.20 (1m), 940.201, 940.225, 940.23, 940.285, 940.30, 940.42, 940.43,
24 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,
25 947.01 (1), 947.012 or 947.0125 and the conduct constituting the violation involved

Please fix comparisons

renumbered 948.605 (2) (a) 1. and

(2) (a) 2.

(2) (a) 2.

1 an act by the adult person against his or her spouse or former spouse, against an
2 adult with whom the adult person resides or formerly resided or against an adult
3 with whom the adult person has created a child.

4 **SECTION 72.** 973.055 (1) (a) 1. of the statutes is amended to read:

5 973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified
6 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,
7 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44,
8 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1),
9 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201, 941.20,
10 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125; and

11 **SECTION 73.** 973.137 (1) of the statutes is repealed.

12

(END)

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2007/p2ins
CMH&RNK:.....

Insert A

^a
but this bill adds general prohibitions against carrying weapons into a police station, sheriff's office, or state patrol station; a prison, jail, house of correction, or secured correctional facility; a courthouse; a place beyond a security checkpoint in an airport; and a building owned or leased by the state or any political subdivision of the state if the building provides electronic screening for weapons at all public entrances to the building and provides locked storage for weapons on the premises while the person carrying the weapon is in the building

Insert 7-12

SECTION 1. 165.81 (2) of the statutes is repealed. 4

Insert 8-10

SECTION 2. 167.31 (3) (a) of the statutes is amended to read: ✓

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

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.

Insert 11-19

SECTION 3. 939.22 (10) of the statutes is amended to read: ✓

939.22 (10) "Dangerous weapon" means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or mouth of another person to impede, partially or completely, breathing or circulation of blood; any electric weapon, ~~as defined in s. 941.295 (4);~~ or any other device or

instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

History: 1971 c. 219; 1973 c. 336; 1977 c. 173; 1979 c. 89, 224; 1981 c. 79 s. 17; 1981 c. 89, 348; 1983 a. 17, 459; 1985 a. 146 s. 8; 1987 a. 332, 399; 1993 a. 98, 213, 227, 441, 486; 1995 a. 69, 436, 448; 1997 a. 143, 295; 2001 a. 109, 203 a. 97, 223; 2005 a. 273, 277, 435; 2007 c. 27, 97, 127; 2009 a. 28, 276.

SECTION 4. 939.22 (13) of the statutes is created to read:

939.22 (13) "Electric weapon" means any device which is designed, redesigned, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current.

Insert 12-3

SECTION 5. 941.232 of the statutes is created to read:

941.232 Carrying a weapon at certain locations. (1) In this section:

(a) "Carry" means to go armed with.

(b) "Weapon" means a handgun, an electric weapon (as defined in s. 941.295 (4)), a knife other than a switchblade knife under s. 941.24, or a billy club.

(2) Except as provided in par. (b), any person other than a law enforcement officer who knowingly carries a weapon into any of the following places is guilty of a Class C misdemeanor:

1. Any portion of a building that is a police station, sheriff's office, or state patrol station.
2. A prison, jail, house of correction, or secured correctional facility.
3. A county, state, or federal courthouse.
4. A place beyond a security checkpoint in an airport, unless the weapon is unloaded and encased for shipment as baggage to be transported by aircraft.
5. A building owned or leased by the state or any political subdivision of the state if the building provides electronic screening for weapons at all public entrances

to the building and provides locked storage for weapons on the premises while the person carrying the weapon is in the building.

(b) The prohibitions under par. (a) do not apply to any of the following:

1. A parking facility located in a building that is used as, or any portion of which is used as, a location under par. (a) if the weapon is in a vehicle driven or parked in the parking facility.

2. A judge may carry a weapon in a courthouse and may permit in writing any other individual to carry a weapon in a courthouse.

3. A district attorney, or an assistant district attorney, may carry a weapon in a courthouse.

4. If the place is a building under par. (a) 5., a person who leases residential or business premises in the building.

Handwritten notes and corrections: "other any ethics individuals on the court that judge" with a circle around "s"; "ing" written below "may"; "leasing" written below "leases"; "ing" written below "may"; "leasing" written below "leases".

Insert 12-5

SECTION 6. 941.295 of the statutes is repealed.

Insert 15-21

SECTION 7. 948.60 (1) of the statutes is amended to read:

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

injure a person when thrown; or a manrikigusari or similar length of chain having weighted ends.

History: 1987 a. 332; 1991 a. 18, 139; 1993 a. 98; 1995 a. 27, 77; 1997 a. 248; 2001 a. 109; 2005 a. 163.