



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Senate Bill 169

**Senate Substitute
Amendment 1**

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CURRENT LAW

Under current law, it is a crime to carry a concealed weapon unless a statutory exemption to this restriction applies to a person. [s. 941.23, Stats.] Under one exemption to this prohibition, a person may possess and conceal a weapon if: (1) he or she is a Wisconsin resident and has been issued a license to carry a concealed weapon (CCW license) by the State of Wisconsin; or (2) the person is a nonresident who holds a CCW license issued by another state if that state requires a background check and training comparable to the background check and training required for a Wisconsin-issued CCW license, as determined by the Department of Justice (DOJ).

Wisconsin CCW licenses are issued by DOJ. To receive a CCW license, a person must submit an application and the required fee and must be all of the following:

- At least 21 years of age.
- Not prohibited from possessing a firearm under state or federal law.
- Not prohibited by a court, as a condition of bail or release following a charge for a misdemeanor or a felony, from possessing a dangerous weapon.
- A Wisconsin resident or military resident.

[s. 175.60 (3), Stats.]

An applicant for a CCW license must also provide proof of training through one of a variety of types of firearms safety or training courses or programs, including the Department of Natural Resource's hunter safety program. [s. 175.60 (4), Stats.] DOJ must conduct a background check on all applicants for CCW licenses to determine if a person is prohibited from possessing a firearm. [s. 175.60 (9g), Stats.] If the background search does not indicate the person is

prohibited from possessing a firearm and the applicant has satisfied all of the other criteria, DOJ must issue the applicant a CCW license.

2017 SENATE BILL 169

Senate Bill 169 makes changes to various laws related to carrying and possessing firearms, including the following:

- Eliminates the general prohibition described above against going armed with a concealed weapon. A person could still obtain an optional CCW license under the bill for purposes of reciprocity with other states or to affect the applicability of federal laws to the person, such as under the federal gun free school zones law.
- Creates an additional optional “basic” CCW license type that can be issued to a person who meets all of the application criteria, described above, except that the person need not complete the training requirement.
- Requires DOJ to create an additional optional “enhanced” CCW license type to meet federal standards if the federal government creates standards for national CCW license reciprocity and the license types issued by DOJ do not meet those federal standards.
- Allows DOJ to issue a CCW license to an applicant who is not a Wisconsin resident.
- Eliminates the state gun free school zones law, but allows schools to post their buildings and grounds under trespass law to prohibit possession of firearms in posted areas. Such posting would not apply to a firearm in a vehicle driven or parked on the school property under the bill.
- Eliminates a number of current law prohibitions against carrying firearms and, in some circumstances, other weapons, in specified places such as wildlife refuges, fish hatcheries, police stations, prisons, and secure mental health facilities. Instead, the bill allows posting of most of those places, under trespass law, to prohibit a person from possessing a firearm while at a location.
- Eliminates prohibitions against possessing or carrying specified types of weapons while engaging in certain activities such as operating an all-terrain vehicle or while shining wildlife.
- Eliminates the general prohibition against the possession of electric weapons, commonly known as tasers, except for people who are prohibited from possessing a firearm, generally prohibits local regulation of electric weapons, and specifies that possession of an electric weapon alone does not constitute disorderly conduct.
- Allows the possession of firearms manufactured before 1898 and muzzleloading firearms by people who are otherwise prohibited from possessing a firearm.

SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 makes the following changes to Senate Bill 169:

- Eliminates the changes to current law in the bill related to the possession or carrying of *long guns*, bows, or crossbows in certain places or under certain circumstances, including while shining wildlife.
- Eliminates the additional optional “basic” CCW license type under the bill.
- Retains the state gun free school zones law prohibition for a person who is in violation of the federal gun free school zones law, except if the person possesses a firearm in or within five feet of a vehicle driven or parked in the school building or on the school grounds if the person is or will be a passenger in or the driver of the vehicle, or if the person possesses a firearm on school grounds when there are no classes or school activities occurring at the school.
- Modifies the applicability of posting of school buildings or grounds for trespass purposes under the bill to specify that such posting not only does not apply to a firearm in a vehicle driven or parked on the school property under the bill, but also to a firearm that is within five feet of such a vehicle if the person possessing the firearm is or will be a passenger in or the driver of the vehicle. The substitute amendment also requires a person to be a CCW licensee to take advantage of this exception, and allows licensees to possess firearms on posted school grounds when there are no classes or school activities occurring at the school.
- Modifies the provision in the bill which allows the possession of firearms manufactured before 1898 and muzzleloading firearms by people who are otherwise prohibited from possessing a firearm to eliminate unintended effects of this provision on regulations relating to hunting.

BILL HISTORY

2017 Senate Bill 169 was introduced by Senator Craig on April 13, 2017. On September 20, 2017, the Senate Committee on Judiciary and Public Safety introduced Senate Substitute Amendment 1, recommended adoption of the amendment, and recommended passage of the bill, as amended, on votes of Ayes: 3; Noes: 2.

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