



State of Wisconsin
2001 - 2002 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 ASSEMBLY BILL 529**

October 29, 2001 – Offered by Representatives PETTIS and MUSSER.

1 **AN ACT** *to renumber and amend* 941.23 and 941.235 (2); *to amend* 343.17 (6),
2 343.19 (1) and 343.50 (4); and *to create* 343.14 (2) (j), 343.17 (3) (a) 14., 941.23
3 (1), 941.23 (3), 941.235 (2) (b), 941.235 (3), 941.237 (3) (am) and 941.237 (3m)
4 of the statutes; **relating to:** retired peace officers carrying a weapon and the
5 content of operators' licenses and identification cards issued by the department
6 of transportation and requiring the exercise of rule-making authority.

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

7 **SECTION 1.** 343.14 (2) (j) of the statutes is created to read:
8 343.14 (2) (j) A question as to whether, if the applicant is a retired peace officer,
9 he or she wishes to have the department include on the license document the
10 designation described under s. 343.17 (3) (a) 14.

11 **SECTION 2.** 343.17 (3) (a) 14. of the statutes is created to read:

1 343.17 (3) (a) 14. If the person has requested the inclusion of the designation
2 under s. 343.14 (2) (j) and the department has verified that the person is a retired
3 peace officer under rules promulgated under sub. (6), a designation that the person
4 is a retired peace officer.

5 **SECTION 3.** 343.17 (6) of the statutes is amended to read:

6 343.17 (6) RULES. Subject to subs. (2) and (3), the department shall promulgate
7 rules setting the design and specifications for the license document and subsequent
8 changes thereto. The rules shall also include procedures for verifying whether an
9 applicant is a retired peace officer, as defined in s. 941.23 (1) (b), for the purposes of
10 the designation under s. 343.17 (3) (a) 14.

11 **SECTION 4.** 343.19 (1) of the statutes is amended to read:

12 343.19 (1) If a license issued under this chapter or an identification card issued
13 under s. 343.50 is lost or destroyed ~~or~~, the name or address named in the license or
14 identification card is changed ~~or~~, the condition specified in s. 343.17 (3) (a) 12. or 13.
15 no longer applies, or the condition specified in s. 343.17 (3) (a) 14. applies, the person
16 to whom the license or identification card was issued may obtain a duplicate thereof
17 or substitute therefor upon furnishing proof satisfactory to the department of name
18 and date of birth and that the license or identification card has been lost or destroyed
19 or that application for a duplicate license or identification card is being made for a
20 change of address or name ~~or~~, because the condition specified in s. 343.17 (3) (a) 12.
21 or 13. no longer applies, or because the condition specified in s. 343.17 (3) (a) 14.
22 applies. If the original license or identification card is found it shall immediately be
23 transmitted to the department. Duplicates of nonphoto licenses shall be issued as
24 nonphoto licenses.

25 **SECTION 5.** 343.50 (4) of the statutes is amended to read:

1 343.50 (4) APPLICATION. The application for an identification card shall include
2 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), and (br),
3 such further information as the department may reasonably require to enable it to
4 determine whether the applicant is entitled by law to an identification card and, for
5 applicants who are aged 65 years or older, material, as provided by the department,
6 explaining the voluntary program that is specified in s. 71.55 (10) (b). The
7 department shall include on the application form the question described in s. 343.14
8 (2) (j) and shall, as part of the application process, take a photograph of the applicant
9 to comply with sub. (3). No application may be processed without the photograph
10 being taken. Misrepresentations in violation of s. 343.14 (5) are punishable as
11 provided in s. 343.14 (9). The rules promulgated under s. 343.17 (6) for verifying
12 whether an applicant is a retired peace officer apply to applications for identification
13 cards.

14 **SECTION 6.** 941.23 of the statutes is renumbered 941.23 (2) and amended to
15 read:

16 941.23 (2) Any person except a peace officer or a qualified retired peace officer
17 who goes armed with a concealed and dangerous weapon is guilty of a Class A
18 misdemeanor.

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

20 941.23 (1) In this section:

21 (a) “Qualified retired peace officer” means a retired peace officer who meets all
22 of the following requirements:

23 1. Within the preceding 2-year period, the retired peace officer has successfully
24 completed a course of 8 hours or less that is offered by a technical college and that
25 covers the safe use and storage of a handgun or an equivalent course. This

1 subdivision does not apply during the 2-year period immediately following a retired
2 peace officer's retirement from active service as a peace officer.

3 2. The retired peace officer holds a valid state identification card that contains
4 the designation described in s. 343.17 (3) (a) 14.

5 (b) "Retired peace officer" means a person who has retired from active service
6 as a peace officer and who, immediately upon retirement from active service,
7 qualified for an annuity under the Wisconsin retirement system, the retirement
8 system of any 1st class city, or any retirement system established under chapter 201,
9 laws of 1937.

10 (c) "State identification card" means an operator's license issued under ch. 343
11 that contains a photograph of the license holder or an identification card issued
12 under s. 343.50.

13 **SECTION 8.** 941.23 (3) of the statutes is created to read:

14 941.23 (3) If he or she is carrying a concealed weapon, a qualified retired peace
15 officer shall carry his or her state identification card and shall, upon the request of
16 any law enforcement officer, display it to the law enforcement officer.

17 **SECTION 9.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and
18 amended to read:

19 941.235 (2) (intro.) This section does not apply to any of the following:

20 (a) A peace officers or armed officer.

21 (c) Armed forces or military personnel who go armed in the line of duty ~~or to any.~~

22 (d) Any person duly authorized by the chief of police of any city, village or town,
23 the chief of the capitol police or the sheriff of any county to possess a firearm in any
24 building under sub. (1).

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

1 941.235 (2) (b) A qualified retired peace officer, as defined in s. 941.23 (1) (a).

2 **SECTION 11.** 941.235 (3) of the statutes is created to read:

3 941.235 (3) If he or she is carrying a firearm in a public building, a qualified
4 retired peace officer, as defined in s. 941.23 (1) (a), shall carry his or her state
5 identification card, as defined in s. 941.23 (1) (c), and shall, upon the request of any
6 law enforcement officer, display it to the law enforcement officer.

7 **SECTION 12.** 941.237 (3) (am) of the statutes is created to read:

8 941.237 (3) (am) A qualified retired peace officer, as defined in s. 941.23 (1) (a).

9 **SECTION 13.** 941.237 (3m) of the statutes is created to read:

10 941.237 (3m) If he or she is carrying a firearm on any premises for which a
11 Class "B" or "Class B" license or permit has been issued under ch. 125, a qualified
12 retired peace officer, as defined in s. 941.23 (1) (a), shall carry his or her state
13 identification card, as defined in s. 941.23 (1) (c), and shall, upon the request of any
14 law enforcement officer, display it to the law enforcement officer.

15 **SECTION 14. Effective date.**

16 (1) This act takes effect on the first day of the 4th month beginning after
17 publication.

18

(END)