



2005 ASSEMBLY BILL 694

September 26, 2005 - Introduced by Representative SCHNEIDER. Referred to
Committee on Labor.

1 **AN ACT** *to amend* 440.03 (13) (c); and *to create* 440.03 (13) (b) 37m. and 440.03
2 (17) of the statutes; **relating to:** prohibiting persons convicted of certain
3 felonies from providing martial arts instruction to minors.

Analysis by the Legislative Reference Bureau

This bill prohibits providing martial arts instruction to a minor for a fee without a license granted by the Department of Regulation and Licensing (DRL). Under the bill, martial arts instruction means instruction in self-defense or combat, but not instruction in the use of a firearm, bow and arrow, or crossbow. The bill requires the Department of Justice to conduct a criminal background check on a person who applies for a license. Under the bill, DRL is required to grant a license to an applicant who pays a fee, if DRL determines that the applicant has not been convicted of certain disqualifying offenses specified in the bill, including certain violent crimes, crimes against children, and drug crimes.

For further information see the *state* 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:

4 **SECTION 1.** 440.03 (13) (b) 37m. of the statutes is created to read:
5 440.03 (13) (b) 37m. Martial arts instructor.

ASSEMBLY BILL 694

1 **SECTION 2.** 440.03 (13) (c) of the statutes is amended to read:

2 440.03 **(13)** (c) The department shall require an applicant for a private
3 detective license or a private security permit under s. 440.26, an applicant for a
4 juvenile martial arts instructor permit under sub. (17), and a person for whom the
5 department conducts an investigation under par. (b), to be photographed and
6 fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's
7 fingerprints. The department of justice may submit the fingerprint cards to the
8 federal bureau of investigation for the purpose of verifying the identity of the persons
9 fingerprinted and obtaining records of their criminal arrests and convictions.

10 **SECTION 3.** 440.03 (17) of the statutes is created to read:

11 440.03 **(17)** (a) In this subsection:

12 1. "Disqualifying offense" means any of the following:

13 a. A serious crime, as defined in s. 969.08 (10) (b).

14 b. A felony under ch. 961.

15 c. A violation of the law of another state or the United States that would be a
16 serious crime, as defined in s. 969.08 (10) (b), or a felony under ch. 961 if committed
17 in this state.

18 2. "Martial arts instruction" means instruction in self-defense or combat,
19 except that "martial arts instruction" does not include instruction in the use of a
20 firearm, bow and arrow, or crossbow.

21 (b) No person may, for a fee, provide martial arts instruction to a minor if the
22 person has been convicted of a disqualifying offense.

23 (c) No person may, for a fee, provide martial arts instruction to a minor unless
24 the person has been issued a permit under this subsection.

ASSEMBLY BILL 694

1 (d) The department shall grant a person a juvenile martial arts instructor
2 permit if all of the following apply:

3 1. The person pays the fee specified in s. 440.05 (1).

4 2. The department, after conducting an investigation, determines that the
5 person has not been convicted of a disqualifying offense, notwithstanding ss.
6 111.321, 111.322, and 111.335.

7 (e) Notwithstanding ss. 111.321, 111.322, and 111.335, the department shall
8 revoke a permit issued to a person under this subsection if the person is convicted
9 of a disqualifying offense.

10 (f) If a person who holds a permit under this subsection is convicted of a
11 disqualifying offense, the person shall notify the department within 14 days of the
12 date of the conviction.

13 (g) The department may conduct periodic audits to determine whether any
14 person who holds a permit under this subsection has been convicted of a
15 disqualifying offense.

16 **SECTION 4. Effective date.**

17 (1) The treatment of section 440.03 (17) (b) and (c) of the statutes takes effect
18 on the first day of the 4th month beginning after the effective date of this subsection.

19 (END)