



2005 ASSEMBLY BILL 763

October 17, 2005 - Introduced by Representatives GUNDERSON, SUDER, PETTIS, ALBERS, J. FITZGERALD, FREESE, GUNDRUM, HAHN, HINES, HUNDERTMARK, KESTELL, KLEEFISCH, KRAWCZYK, F. LASEE, LEMAHIEU, LOEFFELHOLZ, LOTHIAN, McCORMICK, MURSAU, MUSSER, NASS, NISCHKE, OWENS, PETROWSKI, PRIDEMORE, SCHNEIDER, STRACHOTA, TOWNS, VAN ROY, VOS, VRAKAS and JENSEN, cosponsored by Senators ZIEN, S. FITZGERALD, BRESKE, BROWN, GROTHMAN, KANAVAS, KEDZIE, A. LASEE, LEIBHAM, REYNOLDS, ROESSLER, SCHULTZ and STEPP. Referred to Committee on Criminal Justice and Homeland Security.

1 **AN ACT** *to renumber and amend* 23.33 (3) (e), 29.089 (2), 29.091, 29.621 (4),
2 440.26 (3m), 941.23, 941.235 (2) and 943.13 (2); **to amend** 51.20 (13) (cv) 4.,
3 51.20 (16) (gm), 51.30 (3) (a), 165.82 (1) (intro.), 165.82 (2), 175.35 (1) (at),
4 175.35 (2) (d), 175.35 (2g) (c) 4. a. and b., 175.35 (2k) (ar) 2., 813.12 (6) (am) 1.,
5 813.122 (9) (am) 1., 813.125 (5r) (a), 885.235 (1g) (intro.), 938.396 (8), 941.295
6 (2) (d), 943.13 (1m) (b) and 943.13 (3); and **to create** 23.33 (3) (e) 1., 23.33 (3)
7 (e) 2., 23.33 (3) (e) 3., 23.33 (3) (e) 4., 23.33 (3) (em), 29.089 (2) (a), 29.089 (2) (b),
8 29.089 (2) (c), 29.089 (2) (d), 29.091 (2), 29.091 (2) (d), 29.621 (4) (a), 29.621 (4)
9 (b), 29.621 (4) (c), 29.621 (4) (d), 29.621 (6), 55.06 (17) (d), 59.25 (3) (u), 165.25
10 (11), 167.31 (4) (ar), 175.35 (1) (am), 175.48, 175.49, 175.50, 440.26 (3m) (a),
11 440.26 (3m) (b), 440.26 (3m) (c), 440.26 (3m) (d), 885.235 (1g) (e), 938.396 (8m),
12 941.23 (1), 941.23 (2) (a), 941.23 (2) (b), 941.23 (2) (c), 941.23 (2) (d), 941.23 (2)
13 (e), 941.23 (3), 941.235 (2) (c), 941.235 (2) (d), 941.235 (2) (e), 941.237 (3) (cr),
14 941.237 (3) (ct), 941.237 (3) (cx), 941.29 (11), 941.295 (2g), 941.295 (2r), 943.13

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1 (1e) (bm), 943.13 (1e) (g), 943.13 (1m) (c), 943.13 (2) (bm), 946.32 (3), 948.605
2 (2) (c) and 948.61 (3m) of the statutes; **relating to:** carrying a concealed
3 weapon, possessing or transporting a firearm under certain circumstances,
4 background checks for handgun purchases, photographic identification cards
5 for retired law enforcement officers, requiring the exercise of rule-making
6 authority, providing an exemption from rule-making authority, and providing
7 penalties.

Analysis by the Legislative Reference Bureau

This bill creates a licensing system under which an individual is permitted to carry a concealed weapon under certain circumstances. The bill also makes certain changes in Wisconsin law to account for a federal law that requires the state to permit an individual who works as or who has retired from working as a federal, state, tribal, or local law enforcement officer in Wisconsin or in any other state to carry a concealed firearm under certain circumstances. In addition, the bill changes the law relating to background checks for handgun purchases to require the Department of Justice (DOJ) to determine whether a person seeking to purchase a handgun has been subject to an order or finding regarding his or her mental health that makes the purchase unlawful.

CURRENT LAW REGARDING THE POSSESSION OF WEAPONS***Wisconsin law***

In general, under current Wisconsin law, no person may go armed with a concealed and dangerous weapon. The “going armed with” language applies to, among others, 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 — but not physically carried by — a person in a car. A person who violates the prohibition on going armed with a concealed and dangerous weapon may be fined not more than \$10,000 or imprisoned for not more than nine months or both. This prohibition, however, does not apply to peace officers, such as local, state, tribal, or federal law enforcement officers. In addition, under *State v. Hamdan*, 2003 WI 113, 264 Wis. 2d 433, it is unconstitutional to apply this prohibition 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. The *Hamdan* court also indicated that the constitutional right to keep and bear arms for security must permit a person to carry a concealed weapon under certain circumstances in his or her own home.

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Beyond the concealed weapons statute, current Wisconsin law contains a number of other prohibitions relating to the use and possession of firearms. For example, current Wisconsin law prohibits, with certain exceptions, going armed with or possessing a firearm in a number of places, such as in a public building, tavern, state park, or wildlife refuge or within 1,000 feet of the grounds of a school. Current Wisconsin law also prohibits, with certain exceptions, carrying a loaded or unencased firearm in an automobile, motorboat, or airplane. Moreover, no person may operate or go armed with a firearm while under the influence of alcohol, a controlled substance, or any other intoxicant. A person who violates one of these prohibitions is subject to civil or criminal penalties.

Federal law

Federal law prohibits the state from barring certain active duty or retired law enforcement officers from carrying concealed firearms. Under federal law, qualified law enforcement officers and qualified retired law enforcement officers who meet certain specified requirements may carry concealed firearms that have been shipped or transported in interstate or foreign commerce, regardless of any prohibition imposed under state law.

Federal law specifies the criteria that a person must meet to be a qualified law enforcement officer or a qualified retired law enforcement officer. To be the former, a person must: 1) be employed by a government agency; 2) be a law enforcement officer (defined under federal law as a person authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and having statutory powers of arrest); 3) be authorized by the agency to carry a firearm; 4) not be the subject of any disciplinary action by the agency; 5) not be under the influence of alcohol or other drugs; 6) not be prohibited under federal law from possessing a firearm; and 7) meet all standards, if any, established by the agency to qualify the person on a regular basis to use a firearm. For a person to be a qualified retired law enforcement officer, all of the following must apply: 1) the person retired in good standing from service with a government agency as a law enforcement officer, other than for reasons of mental instability; 2) before retirement, the person was regularly employed as a law enforcement officer for an aggregate of 15 years or more or retired after completing any applicable probationary period of service due to a service-connected disability; 3) the person has a nonforfeitable right to benefits under the agency's retirement plan; 4) the person is not under the influence of alcohol or other drugs; 5) the person is not prohibited under federal law from possessing a firearm; and 6) during the most recent 12-month period, the person has met his or her home state's standards for training and qualification for active duty law enforcement officers to carry firearms. (Wisconsin law does not currently set or impose any state standards for ongoing training and qualification for active duty law enforcement officers to remain eligible to carry firearms.)

Under federal law, if a person is a qualified law enforcement officer, the prohibition contained in Wisconsin law regarding going armed with a concealed and dangerous weapon does not apply to his or her going armed with a concealed firearm if the person carries a photo ID issued by the agency for which he or she works. If

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the person is a qualified retired law enforcement officer, the prohibition does not apply to his or her going armed with a concealed firearm if the person carries either: 1) a photo ID issued by the agency from which the person retired as a law enforcement officer that indicates that, within the preceding 12 months, the agency has tested the person or otherwise found that he or she meets its standards for training and qualification for active duty law enforcement officers to carry the type of firearm that the qualified retired law enforcement officer is carrying concealed; or 2) both of the following: a) a photo ID issued by the agency from which the person retired as a law enforcement officer; and b) a certification issued by the state in which the person resides that indicates that, within the preceding 12 months, the state has tested the person or otherwise found that he or she meets its standards for training and qualification for active duty law enforcement officers to carry the type of firearm that the qualified retired law enforcement officer is carrying concealed. Federal law, however, specifies that the exemption for qualified law enforcement officers and qualified retired law enforcement officers does not apply if the firearm involved is a machine gun, bears a silencer, or is a destructive device (such as a bomb). Federal law also specifies that a state may: 1) permit private persons or entities to bar the possession of concealed firearms on their own property; and 2) prohibit or restrict the possession of firearms on any state or local government property, installation, base, building, or park.

HOW THE BILL CHANGES WISCONSIN'S CONCEALED WEAPONS LAW***Carrying a concealed weapon in your own home or business***

This bill permits a person to go armed with a concealed and dangerous weapon in his or her own home or place of business or on land that he or she owns, leases, or legally occupies, unless the person is prohibited under federal or state law from possessing that weapon (prohibitions that apply to firearms if, among other things, the person has been convicted of a misdemeanor crime of domestic violence or a felony; the person unlawfully uses a controlled substance; the person has been involuntarily committed to a mental health facility; or the person is subject to a stalking, harassment, or domestic abuse restraining order or a harassment, domestic abuse, or child abuse injunction).

Licenses to carry a concealed weapon

This bill creates a procedure by which a person may apply to DOJ for a license to carry a concealed weapon in most places. Specifically, the license authorizes a person to carry (defined in the bill to mean to go armed with) a concealed weapon (defined in the bill as a handgun, an electronic weapon, a knife other than a switchblade, or a billy club) anywhere in this state except in particular places specified in the bill. Accordingly, the bill amends other prohibitions relating to the use and possession of firearms that are discussed above (see **CURRENT LAW REGARDING THE POSSESSION OF WEAPONS, Wisconsin law**) to specify that, with the exception of the gun-free school zone law, they do not apply to licensees. The gun-free school zone law is amended in a different way. Specifically, the bill authorizes a licensee to carry a handgun in a school zone if: 1) the licensee is in a motor vehicle or on a snowmobile or bicycle; 2) the licensee has exited from a motor vehicle and is encasing the handgun or storing it in the motor vehicle; or 3) the

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licensee is traveling directly between any two of the following places: any person's private property, the licensee's place of employment or business, or a place outside of the school zone. These changes, however, relate only to the carrying of a concealed firearm at or within 1,000 feet of a private school and within 1,000 feet of the grounds of a public school. The bill does not affect the provisions of the gun-free school zone law that prohibit a person from possessing a firearm in a public school itself or on the grounds of a public school.

As noted in the preceding paragraph, a person licensed under the bill is permitted to carry a concealed weapon anywhere other than certain specified places. These places include a police station, sheriff's office, or state patrol station; a prison or jail; a tavern or a restaurant with a liquor license (unless: 1) the person owns or manages the tavern or restaurant; 2) the person is otherwise authorized to possess a handgun at the tavern or restaurant; or 3) the sale of alcohol at the tavern or restaurant accounts for not more than 50 percent of the proprietor's annual gross receipts from that tavern or restaurant); a school administration building; beyond the security checkpoint at an airport; a kindergarten facility; a building owned by the state or a local government if the building provides electronic screening and locked storage for weapons; and any place in which federal law prohibits the carrying of a weapon. Moreover, the bill permits a business owner or person in his or her own home to prohibit a licensee from carrying a concealed weapon into the business or home. Similarly, a private employer may prohibit an employee from carrying a concealed weapon in the course of the employee's employment unless the employee is in his or her own vehicle.

The bill also prohibits any person from carrying a concealed weapon while having a blood alcohol concentration that exceeds 0.08. A law enforcement officer who arrests a person for violating that prohibition or for carrying a concealed weapon while under the influence of an intoxicant may require the person to submit to a breath, blood, or urine test to detect the presence of alcohol, controlled substances, or any other intoxicant.

Licensing requirements and procedure

Under the bill, DOJ must issue a license to carry a concealed weapon to an applicant who meets the qualifications established in the bill for the license.

The bill specifies the requirements that a person must satisfy to qualify for a license to carry a concealed weapon. Included among the requirements are the following: 1) he or she must be at least 21 years old; 2) he or she must not have a severe physical disability that prevents him or her from safely handling a weapon; 3) he or she must be eligible to possess a firearm under federal law; 4) he or she must not be prohibited from possessing a firearm under state law due to a felony conviction, a juvenile delinquency adjudication, an order issued in a civil commitment case, or any other order prohibiting the person from possessing a firearm; 5) he or she must not have been committed for the treatment of drug dependency during the preceding three years; 6) he or she must not have been convicted of an offense relating to controlled substances during the preceding three years; 7) he or she must not chronically or habitually use alcohol or other substances to the extent that his or her normal faculties are impaired; 8) with some exceptions,

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he or she must have successfully completed a firearms training or safety course or class that was taught by an instructor who is certified by DOJ and that covered certain topics specified in the bill; 9) he or she must not have been subject to a finding of incompetency, been the subject of a protective placement as a minor based on a developmental disability, found not guilty of a crime by reason of mental disease or mental defect, or involuntarily committed for treatment of mental illness during the preceding five years; 10) he or she must not have been convicted of one of a set of specified misdemeanors or be serving a sentence for committing such a misdemeanor within the preceding three years; and 11) he or she must be a Wisconsin resident.

In addition, the bill requires DOJ to conduct a background check of a person who applies for a license to carry a concealed weapon to help determine the person's eligibility for a license. The background check requirement does not apply to a person applying for a license if the person is a law enforcement officer, a correctional officer, a probation and parole agent, or a person holding a current certification from the law enforcement standards board.

If DOJ determines that an applicant for a license is ineligible under one of these requirements, DOJ must deny the person's application. Otherwise, DOJ must issue the person a license within 21 days of receiving the completed application.

Furthermore, the bill does all of the following:

1. Allows DOJ to issue an emergency license to an individual if DOJ determines that immediate licensure is warranted to protect the individual from death or great bodily harm.

2. Provides that a license to carry a concealed weapon is valid for five years, with the exception that a license held by a member of the U.S. armed forces, a reserve unit of the armed forces, or the national guard who is deployed overseas while on active duty may not expire until at least 90 days after the end of his or her overseas deployment.

3. Establishes a renewal procedure that includes a background check of the person renewing the license.

4. Requires DOJ to revoke a license to carry a concealed weapon if the licensee no longer meets all of the requirements for licensure.

5. Requires DOJ to suspend a license to carry a concealed weapon if the licensee is the subject of a civil or criminal case that may ultimately lead to the revocation of the license or if the licensee, after being charged with a misdemeanor, is ordered by the court not to possess a firearm.

6. Provides that a person whose application for a license is denied or whose license is suspended or revoked by DOJ may appeal DOJ's action to circuit court for review by a judge.

7. Specifies the information that must be on a license to carry a concealed weapon and an application for such a license and requires DOJ to design the form of the license and the license application and renewal forms.

8. Requires DOJ to keep a computerized list of licensees but specifies that DOJ may provide information from that list regarding a specific licensee only to law enforcement agencies and only in certain specified circumstances.

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9. Requires each circuit court, through its computer system, or the clerk of the court or the register in probate if the court's computer system cannot do so, to notify DOJ of court proceedings relating to licensees and nonlicensees (including juvenile delinquency and mental health commitment proceedings that are closed to the public) if those proceedings will require suspension or revocation of the person's license if he or she is a licensee.

10. Requires each licensee to notify DOJ within ten days after being charged with a crime or a drunk driving offense under federal law or the law of another state.

11. Requires a person who applies for a license to carry a concealed weapon to pay the following: (a) a \$52 application fee to be deposited into the general fund of the state; (b) a \$15 shooting range improvement fee, to be deposited with the county in which the applicant resides, to be used for shooting range improvement grants awarded by the county; and (c) an \$8 background check fee (unless, in the case of a person applying for an emergency license, DOJ waives the fee) to be deposited into the general fund of the state. A person who applies to renew his or her license must pay the same fees except the application fee; instead, he or she must pay a \$27 renewal fee.

12. Grants immunity from liability for conduct undertaken in good faith under the bill to DOJ and its employees; various court employees; persons providing firearm training or safety classes; businesses, nonprofit organizations, or individuals that permit persons to carry concealed weapons on their property; and employers that permit their employees to carry concealed weapons.

13. Treats a license or permit issued by another state in the same manner as a license issued under this bill if the other state required the person to submit to a background check as a condition of licensure.

New and revised penalties for certain weapons offenses

The bill establishes new penalties and changes certain others for offenses relating to concealed weapons or committed by licensees. First, a licensee who fails to carry his or her license document or photo identification or who fails to display either upon the request of a law enforcement officer while the person is carrying a concealed weapon may be required to forfeit \$25. Second, a licensee who carries a concealed weapon in a place where the license does not authorize him or her to do so, other than a home or business where a resident or business owner has imposed his or her own restriction on carrying a concealed weapon, may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. Third, if a person has a blood alcohol concentration that exceeds 0.08 while carrying a concealed weapon, the person may be fined not more than \$10,000 or imprisoned for not more than 9 months or both. The same penalties apply if, after a person is arrested for carrying a concealed weapon while having a prohibited alcohol concentration, he or she refuses to submit to a breath, blood, or urine test. Fourth, under current law, possession of a firearm in a school zone is a Class I felony (punishable by a maximum fine of \$10,000 or a maximum term of imprisonment of three and one-half years or both), while possessing other types of dangerous weapons on school grounds is a Class A misdemeanor or, for a repeat offender, a Class I felony. A conviction under either of these provisions would also make a person ineligible for a license (generally for three

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years but permanently for a repeat offender). This bill exempts licensees from these penalties. Instead, licensees who unlawfully carry handguns in a school zone or who carry electric weapons, knives, or billy clubs on school grounds are subject to a maximum fine of \$1,000 or a maximum term of imprisonment of 90 days or both. Fifth, a person who does any of the following must be fined not less than \$500 nor more than \$10,000, may be imprisoned for not more than nine months, and becomes permanently ineligible for a license: 1) intentionally makes a false statement in an application for a license; 2) intentionally fails to report being charged under federal law or the law of another state with any crime or any drunk driving offense within ten days after being charged; or 3) intentionally fails to relinquish a license document to DOJ after the license has been revoked.

Active duty and retired law enforcement officers

This bill codifies in the state concealed weapons statute the provisions of federal law that make the statute inapplicable to active duty and retired law enforcement officers under the circumstances specified in federal law (and described above). To implement federal law, the bill also makes certain other state law prohibitions regarding the carrying of firearms inapplicable to an active duty or retired law enforcement officer if he or she is carrying a firearm under those same circumstances. These include the prohibition on going armed with a handgun in a tavern, the prohibition regarding the possession, transportation, or loading of a handgun in vehicles, motorboats, and aircraft, and the prohibition on possessing a firearm that may be imposed through an injunction entered in certain domestic abuse cases. (Depending on the facts, however, a person who is subject to such an injunction may, as a result of that case, also be prohibited under federal law from possessing a firearm, which means that the federal law regarding the carrying of a concealed firearm would not apply.) Similarly, the bill modifies the state's prohibition on possessing a firearm in a school zone to create an exemption for active duty and retired law enforcement officers who are carrying firearms. But as is the case with a person who is issued a license to carry a concealed weapon, these changes do not affect the provisions of the gun-free school zone law that, in general, prohibits a person, including an off-duty or retired law enforcement officer, from possessing a firearm in a public school itself or on the grounds of a public school.

In addition, under the bill, DOJ must provide a qualified retired law enforcement officer, upon his or her request, an ID card that, in combination with a photo ID issued by the retired officer's former employer, permits the retired officer to carry a concealed firearm. The ID card that DOJ issues must indicate all of the following: 1) that DOJ has found that the officer has met the state's standards for training and qualification for active duty law enforcement officers to carry firearms; 2) the date on which DOJ made that finding; and 3) that, as a result of the finding, the officer is qualified to carry any firearm other than a machine gun or a firearm bearing a silencer. DOJ, however, must issue the ID card only if: 1) the retired officer satisfies the first three criteria listed above for being a "qualified retired law enforcement officer" under federal law (see **CURRENT LAW REGARDING THE POSSESSION OF WEAPONS, *Federal law***); 2) DOJ determines that its records do not indicate that the retired officer is prohibited from possessing a firearm under federal

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law or (with the exception of the prohibition based on a domestic abuse injunction) state law; and 3) the retired officer is a Wisconsin resident. DOJ may charge a retired officer a fee to cover the costs of issuing an ID card and determining the person's eligibility.

The bill requires an active duty or retired law enforcement officer who is carrying a concealed firearm to also carry the documentation that, under federal law, qualifies him or her to do so. A person who violates this requirement is subject to a forfeiture of not more than \$25. (In contrast to the requirements of federal law, the exemption that the bill creates in the state's concealed weapons statute for an active duty or retired law enforcement officer is not dependent on the person carrying his or her credentials. The person only needs to have been issued the credentials, for the exemption to apply.)

Identification cards issued to Wisconsin law enforcement officers

Under the bill, if a Wisconsin law enforcement agency issues photo ID cards to its officers, it may not require an officer to relinquish his or her ID card upon retirement unless the person is not a qualified retired law enforcement officer (for example, if the retired officer is not eligible for benefits under the agency's retirement plan).

BACKGROUND CHECKS FOR HANDGUN PURCHASERS

This bill makes certain changes in the law relating to background checks for handgun purchasers. Under current law, when a person seeks to purchase a handgun from a licensed handgun dealer, the dealer must ask DOJ to conduct a background check on the person. In conducting the background check, DOJ searches DOJ records to determine whether the person is ineligible to possess a firearm under state law, but it does not attempt to determine whether federal law bars the person from possessing a firearm based on criteria not covered by state law. This bill requires DOJ, when conducting a background check on a prospective handgun purchaser, to determine whether the person has been the subject of a court order or finding in a Wisconsin court based on the person's mental health that would render the person ineligible to possess a firearm under federal law. Specifically, DOJ must determine whether: 1) the person was the subject of a court order committing the person for treatment in an inpatient mental health facility or a finding by a court that the person is a danger to himself or herself or others or lacks the mental capacity to contract or manage his or her own affairs; 2) the person did not commence the proceeding in which the order was entered or the finding was made; and 3) the order or finding was based on the person having markedly subnormal intelligence or the person's mental illness, incompetency, condition, or disease. If DOJ determines that the prospective purchaser was the subject of such an order or finding, the dealer may not sell the person a handgun.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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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 renumbered 23.33 (3) (e) (intro.) and
2 amended to read:

3 23.33 **(3)** (e) (intro.) With any firearm in his or her possession unless it is
4 unloaded and enclosed in a carrying case, ~~or any bow unless it is unstrung or enclosed~~
5 ~~in a carrying case.~~ This paragraph does not apply to any of the following:

6 **SECTION 2.** 23.33 (3) (e) 1. of the statutes is created to read:

7 23.33 **(3)** (e) 1. A person who is employed in this state by a public agency as a
8 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

9 **SECTION 3.** 23.33 (3) (e) 2. of the statutes is created to read:

10 23.33 **(3)** (e) 2. A qualified out-of-state law enforcement officer, as defined in
11 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

12 **SECTION 4.** 23.33 (3) (e) 3. of the statutes is created to read:

13 23.33 **(3)** (e) 3. A retired law enforcement officer, as defined in s. 941.23 (1) (f),
14 to whom s. 941.23 (2) (c) 1. to 7. applies.

15 **SECTION 5.** 23.33 (3) (e) 4. of the statutes is created to read:

16 23.33 **(3)** (e) 4. A licensee, as defined in s. 175.50 (1) (d) or an out-of-state
17 licensee, as defined in s. 175.50 (1) (g), who possesses a handgun, as defined in s.
18 175.50 (1) (bm).

19 **SECTION 6.** 23.33 (3) (em) of the statutes is created to read:

20 23.33 **(3)** (em) With any bow unless it is unstrung or enclosed in a carrying case.

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1 **SECTION 7.** 29.089 (2) of the statutes is renumbered 29.089 (2) (intro.) and
2 amended to read:

3 29.089 (2) (intro.) Except as provided in sub. (3), no person may have in his or
4 her possession or under his or her control a firearm on land located in state parks or
5 state fish hatcheries unless the firearm is unloaded and enclosed within a carrying
6 case. This subsection does not apply to any of the following:

7 **SECTION 8.** 29.089 (2) (a) of the statutes is created to read:

8 29.089 (2) (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 9.** 29.089 (2) (b) of the statutes is created to read:

11 29.089 (2) (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 10.** 29.089 (2) (c) of the statutes is created to read:

14 29.089 (2) (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f),
15 firearm to whom s. 941.23 (2) (c) 1. to 7. applies.

16 **SECTION 11.** 29.089 (2) (d) of the statutes is created to read:

17 29.089 (2) (d) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state
18 licensee, as defined in s. 175.50 (1) (g), if the firearm is a handgun, as defined in s.
19 175.50 (1) (bm).

20 **SECTION 12.** 29.091 of the statutes is renumbered 29.091 (1) and amended to
21 read:

22 29.091 (1) No person may hunt or trap within any wildlife refuge established
23 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession
24 or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,
25 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed

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1 within a carrying case. The taking of predatory game birds and animals shall be done
2 as the department directs. All state wildlife refuge boundary lines shall be marked
3 by posts placed at intervals of not over 500 feet and bearing signs with the words
4 “Wisconsin Wildlife Refuge”.

5 **SECTION 13.** 29.091 (2) of the statutes is created to read:

6 29.091 (2) The prohibition in sub. (1), as it relates to the possession or control
7 of a loaded or unencased gun or firearm within a game refuge established under s.
8 23.09 (2) (b), does not apply to any of the following:

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

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

13 (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s.
14 941.23 (2) (c) 1. to 7. applies.

15 **SECTION 14.** 29.091 (2) (d) of the statutes is created to read:

16 29.091 (2) (d) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state
17 licensee, as defined in s. 175.50 (1) (g), if the gun or firearm is a handgun, as defined
18 in s. 175.50 (1) (bm).

19 **SECTION 15.** 29.621 (4) of the statutes is renumbered 29.621 (4) (intro.) and
20 amended to read:

21 29.621 (4) PROTECTION. (intro.) Except as provided in s. 29.091 (1), no owner
22 of a wildlife refuge, and no other person, may hunt or trap within the boundaries of
23 any wildlife refuge or have in his or her possession or under his or her control in the
24 wildlife refuge a gun, firearm, bow or crossbow, unless the gun or firearm is unloaded,
25 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed

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1 within a carrying case. ~~Nothing in this section may prohibit, prevent or interfere~~
2 ~~with the department in the destruction of injurious animals. This subsection, as it~~
3 ~~relates to the possession or control of a loaded or unencased firearm, does not apply~~
4 ~~to any of the following:~~

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

6 29.621 (4) (a) A person who is employed in this state by a public agency as a
7 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

8 **SECTION 17.** 29.621 (4) (b) of the statutes is created to read:

9 29.621 (4) (b) A qualified out-of-state law enforcement officer, as defined in s.
10 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

11 **SECTION 18.** 29.621 (4) (c) of the statutes is created to read:

12 29.621 (4) (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f),
13 to whom s. 941.23 (2) (c) 1. to 7. applies.

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

15 29.621 (4) (d) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state
16 licensee, as defined in s. 175.50 (1) (g), if the gun or firearm is a handgun, as defined
17 in s. 175.50 (1) (bm).

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

19 29.621 (6) INJURIOUS ANIMALS. Nothing in this section may prohibit, prevent,
20 or interfere with the department in the destruction of injurious animals.

21 **SECTION 21.** 51.20 (13) (cv) 4. of the statutes is amended to read:

22 51.20 (13) (cv) 4. If the court prohibits a subject individual from possessing a
23 firearm under subd. 1. or cancels a prohibition under subd. 2., the court clerk shall
24 notify the department of justice of that fact and provide any information identifying
25 the subject individual that is necessary to permit an accurate involuntary

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1 commitment history record search under s. 175.35 (2g) (c) or a background check
2 under s. 175.50 (9g) (b). No other information from the subject individual's court
3 records may be disclosed to the department of justice except by order of the court.
4 The department of justice may disclose information provided under this subdivision
5 only as part of an involuntary commitment history record search under s. 175.35 (2g)
6 (c).

7 **SECTION 22.** 51.20 (16) (gm) of the statutes is amended to read:

8 51.20 (16) (gm) Upon a request under par. (a), a court may cancel the
9 prohibition under sub. (13) (cv) 1. if the court determines, based on evidence
10 presented on the issue of the subject individual's dangerousness, that there no longer
11 is a substantial probability that the individual may use a firearm to cause physical
12 harm to himself or herself or endanger public safety. If a court cancels a prohibition
13 under sub. (13) (cv) 1. under this paragraph, the court clerk shall notify the
14 department of justice of that fact and provide any information identifying the subject
15 individual that is necessary to permit an accurate involuntary commitment record
16 search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b). No
17 other information from the subject individual's court records may be disclosed to the
18 department of justice except by order of the court.

19 **SECTION 23.** 51.30 (3) (a) of the statutes is amended to read:

20 51.30 (3) (a) Except as provided in pars. (b) and (c) and s. 175.50 (11) (d) 2. g.
21 and 3. and under rules that the department of justice promulgates under s. 175.35
22 (2g) (c) 3. or 175.50 (9g) (f), the files and records of the court proceedings under this
23 chapter shall be closed but shall be accessible to any individual who is the subject of
24 a petition filed under this chapter.

25 **SECTION 24.** 55.06 (17) (d) of the statutes is created to read:

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1 55.06 (17) (d) Notwithstanding par. (a), information from records described in
2 par. (a) may be disclosed under rules that the department of justice promulgates
3 under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f).

4 **SECTION 25.** 59.25 (3) (u) of the statutes is created to read:

5 59.25 (3) (u) 1. Establish a segregated fund, the proceeds of which may be used
6 by the county to award shooting range grants under s. 175.50 (20m).

7 2. Deposit into the segregated fund created under subd. 1. all moneys received
8 under s. 175.50 (7) (bp) or (15) (b) 4. c.

9 3. Make payments from the fund established under subd. 1. as directed by the
10 county.

11 **SECTION 26.** 165.25 (11) of the statutes is created to read:

12 165.25 (11) LIST OF CONCEALED-CARRY LICENSE APPROVED STATES. Determine
13 which states issue permits or licenses to carry a concealed weapon to persons who
14 pass criminal background checks in those states and promulgate by rule a list of
15 those states.

16 **SECTION 27.** 165.82 (1) (intro.) of the statutes is amended to read:

17 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
18 impose the following fees, plus any surcharge required under sub. (1m), for criminal
19 history searches for purposes unrelated to criminal justice or to s. 175.35, 175.49, or
20 175.50:

21 **SECTION 28.** 165.82 (2) of the statutes is amended to read:

22 165.82 (2) ~~Except as provided in s. 175.35, the~~ The department of justice shall
23 not impose fees for criminal history searches for purposes related to criminal justice.

24 **SECTION 29.** 167.31 (4) (ar) of the statutes is created to read:

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1 167.31 (4) (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply
2 to the placement, possession, transportation, or loading of a firearm by any of the
3 following:

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

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

8 3. A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s.
9 941.23 (2) (c) 1. to 7. applies.

10 4. A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as
11 defined in s. 175.50 (1) (g), if the firearm is handgun, as defined in s. 175.50 (1) (bm).

12 **SECTION 30.** 175.35 (1) (am) of the statutes is created to read:

13 175.35 (1) (am) “Disqualifying mental health adjudication” means one of the
14 following events if it occurs in a proceeding that was not commenced by the person
15 who is the subject of the proceeding and if it is based on the person having markedly
16 subnormal intelligence or the person’s mental illness, incompetency, condition, or
17 disease:

18 1. An order entered by a court in this state that commits a person for treatment
19 in an inpatient mental health facility.

20 2. A determination by a court in this state that a person is a danger to himself
21 or herself or others under s. 51.20 (1) (a) 2. or lacks the mental capacity to contract
22 or manage his or her own affairs.

23 **SECTION 31.** 175.35 (1) (at) of the statutes is amended to read:

24 175.35 (1) (at) “Firearms restrictions record search” means a search of
25 department of justice records to determine whether a person seeking to purchase a

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1 handgun is prohibited from possessing a firearm under s. 941.29 or based on a
2 disqualifying mental health adjudication. “Firearms restriction record search”
3 includes a criminal history record search, a search to determine whether a person is
4 prohibited from possessing a firearm under s. 51.20 (13) (cv), a search to determine
5 whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal
6 injunction, as defined in s. 813.12 (1) (e), issued by a court established by any
7 federally recognized Wisconsin Indian tribe or band, except the Menominee Indian
8 tribe of Wisconsin, that includes notice to the respondent that he or she is subject to
9 the requirements and penalties under s. 941.29 and that has been filed with the
10 circuit court under s. 806.247 (3), and a search to determine whether the person is
11 prohibited from possessing a firearm under s. 813.125 (4m).

12 **SECTION 32.** 175.35 (2) (d) of the statutes is amended to read:

13 175.35 (2) (d) Forty-eight hours, subject to extension under sub. (2g) (c) 4. c.,
14 have elapsed from the time that the firearms dealer has received a confirmation
15 number regarding the firearms restrictions record search under sub. (2g) (c) from the
16 department of justice and the firearms dealer has not been notified that the transfer
17 would be in violation of s. 941.29 or that the transferee would be prohibited from
18 possessing a firearm based on a disqualifying mental health adjudication.

19 **SECTION 33.** 175.35 (2g) (c) 4. a. and b. of the statutes are amended to read:

20 175.35 (2g) (c) 4. a. If the search indicates that the transferee is prohibited from
21 possessing a firearm under s. 941.29 or based on a disqualifying mental health
22 adjudication, the department shall provide the firearms dealer with a unique
23 nonapproval number. The department may not disclose to the firearms dealer the
24 reason the transferee is prohibited from possessing a firearm ~~under s. 941.29.~~

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1 b. If the search indicates that the transferee is not prohibited from possessing
2 a firearm under s. 941.29 or based on a disqualifying mental health adjudication, the
3 department shall provide the firearms dealer with a unique approval number.

4 **SECTION 34.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

5 175.35 **(2k)** (ar) 2. Check each duplicate notification form received under sub.
6 (2j) against the information recorded by the department regarding the corresponding
7 request for a firearms restrictions record search under sub. (2g). If the department
8 previously provided a unique approval number regarding the request and nothing
9 in the duplicate completed notification form indicates that the transferee is
10 prohibited from possessing a firearm under s. 941.29 or based on a disqualifying
11 mental health adjudication, the department shall destroy all records regarding that
12 firearms restrictions record search within 30 days after receiving the duplicate form.

13 **SECTION 35.** 175.48 of the statutes is created to read:

14 **175.48 Law enforcement officer identification cards.** If a Wisconsin law
15 enforcement agency, as defined in s. 175.46 (1) (f), issues photographic identification
16 cards to its officers, it may not require an officer to relinquish his or her card upon
17 retirement unless one of the following applies:

18 **(1)** The officer may not lawfully possess a firearm under federal law.

19 **(2)** The officer did not retire in good standing from service as a law enforcement
20 officer with the agency or retired as a result of mental instability.

21 **(3)** The officer was regularly employed as a law enforcement officer for an
22 aggregate of less than 15 years. This subsection does not apply if the officer, after
23 completing any applicable probationary period of service with the agency, retired
24 from service with the agency due to a service-connected disability, as determined by
25 the agency.

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1 (4) The officer does not have a nonforfeitable right to benefits under the
2 agency's retirement plan.

3 **SECTION 36.** 175.49 of the statutes is created to read:

4 **175.49 Retired law enforcement officers seeking to carry concealed**
5 **weapons. (1) DEFINITIONS.** In this section:

6 (a) "Department" means the department of justice.

7 (b) "Former employer" means a law enforcement agency that employed a
8 retired law enforcement officer immediately before his or her retirement.

9 (c) "Law enforcement officer" means a person who is employed by a public
10 agency in the United States for the purpose of engaging in, or supervising others
11 engaging in, the prevention, detection, investigation, or prosecution of, or the
12 incarceration of any person for, any violation of law and who has statutory powers
13 of arrest.

14 **(2) ISSUANCE OF CERTIFICATION.** Subject to sub. (3), the department shall issue
15 and provide a retired law enforcement officer, upon request and at his or her own
16 expense, an identification card that contains the information specified in sub. (4) (b)
17 and that certifies all of the following:

18 (a) That the department has found that the retired officer has met the
19 standards established by this state for training and qualification for active duty law
20 enforcement officers to carry firearms.

21 (b) The date on which the department made the finding under par. (a).

22 (c) That, as a result of the finding under par. (a), the retired officer is qualified
23 to carry any concealed firearm other than a machine gun or a firearm bearing a
24 silencer.

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1 **(3) PREREQUISITES FOR DEPARTMENT ACTION.** (a) Subsection (2) does not apply
2 with respect to a person requesting an identification card unless all of the following
3 apply:

4 1. The person retired in good standing from service as a law enforcement officer
5 for reasons other than mental instability.

6 2. At least one of the following applies:

7 a. Before retiring, the person was regularly employed as a law enforcement
8 officer for an aggregate of 15 years or more.

9 b. The person completed any applicable probationary period of service with his
10 or her former employer and retired from service due to a service-connected disability,
11 as determined his or her former employer.

12 3. The person has a nonforfeitable right to benefits under his or her former
13 employer's retirement plan.

14 4. The department determines that its records do not indicate that the person
15 is prohibited from possessing a firearm under federal law or is a person specified in
16 s. 941.29 (1) (a), (b), (bm), (c), (d), (e), or (g).

17 5. The person is a resident of this state.

18 (b) The department may require a person to sign appropriate consents for
19 release of information to enable it to confirm that he or she meets all of the
20 prerequisites under this subsection for the department to act under sub. (2).

21 (c) In addition to other fees authorized under sub. (2), the department may
22 require a person to pay a fee, not to exceed the department's costs, for verifying his
23 or her employment history or retirement plan status under par. (a) 1. to 3. or making
24 a determination under par. (a) 4.

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1 **(4) CONTENTS OF IDENTIFICATION CARD.** (a) Subject to pars. (b), (c), and (d), the
2 department shall design a single document for identification cards issued under this
3 section. The department shall complete the design of the identification card
4 document no later than the first day of the 2nd month beginning after the effective
5 date of this paragraph [revisor inserts date].

6 (b) In addition to the information certified under sub. (2), an identification card
7 issued under this section shall contain all of the following on one side:

8 1. The full name, date of birth, and residence address of the retired officer.

9 2. A physical description of the retired officer, including sex, height, weight, and
10 hair and eye color.

11 3. The name of this state.

12 (c) An identification card may not contain the retired officer's social security
13 number.

14 (d) An identification card issued under this section shall be, to the maximum
15 extent possible, tamper proof. The contents of the identification card shall be
16 included in the document in substantially the same way that the contents of an
17 operator's license document issued under s. 343.17 are included in that document.

18 **SECTION 37.** 175.50 of the statutes is created to read:

19 **175.50 License to carry a concealed weapon. (1) DEFINITIONS.** In this
20 section:

21 (ab) "Alcohol beverages" has the meaning given in s. 125.02 (1).

22 (abm) "Alcohol concentration" has the meaning given in s. 340.01 (1v).

23 (ac) "Background check" means a search of department and court records
24 conducted under sub. (9g) to determine a person's eligibility for a license to carry a
25 concealed weapon.

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1 (ag) Except in subs. (2g) (b) and (11) (c) 1. b., “carry” means to go armed with.

2 (ah) “Controlled substance” means a controlled substance, as defined in s.
3 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).

4 (aj) “Department” means the department of justice.

5 (am) “Drunk driving offense” means any of the following:

6 1. A violation of s. 346.63 or a local ordinance in conformity with that section.

7 2. A violation of a law of a federally recognized American Indian tribe or band
8 in this state in conformity with s. 346.63.

9 3. A violation of the law of another jurisdiction, as defined in s. 340.01 (41m),
10 that prohibits use of a motor vehicle while intoxicated, while under the influence of
11 a controlled substance, a controlled substance analog, or a combination thereof, with
12 an excess or specified range of alcohol concentration, or while under the influence of
13 any drug to a degree that renders the person incapable of safely driving, as those or
14 substantially similar terms are used in that jurisdiction’s laws.

15 (bm) “Handgun” means any weapon designed or redesigned, or made or
16 remade, and intended to be fired while held in one hand and to use the energy of an
17 explosive to expel a projectile through a smooth or rifled bore. “Handgun” does not
18 include a machine gun, as defined in s. 941.27 (1), a short-barreled rifle, as defined
19 in s. 941.28 (1) (b), or a short-barreled shotgun, as defined in s. 941.28 (1) (c).

20 (bq) “Intoxicant” means any alcohol beverage, controlled substance, or other
21 drug, or any combination thereof.

22 (c) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

23 (d) “Licensee” means an individual holding a valid license to carry a concealed
24 weapon issued under this section.

25 (e) “Misdemeanor crime of violence” means any of the following:

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1 1. A misdemeanor violation of chs. 940, 941, or 948 or of s. 947.013 or a violation
2 of s. 947.01 or of sub. (2k) (e) or (16) (cm).

3 2. A crime under federal law or the law of another state that is comparable to
4 a crime described in subd. 1.

5 (eg) “Misdemeanor delinquency adjudication” means a finding that a juvenile
6 is delinquent for an act that would be a misdemeanor if committed by an adult.

7 (f) “Out-of-state authorization” means a valid permit document or a valid
8 license document issued by another state if all of the following apply:

9 1. The permit document or license document documents that a person is
10 authorized under the law of that state to carry a concealed weapon in that state.

11 2. The state is listed in the rule promulgated by the department under s. 165.25
12 (11).

13 (g) “Out-of-state licensee” means an individual who is 21 years of age or over,
14 who is not a Wisconsin resident, who has been issued an out-of-state authorization,
15 and who is not prohibited from possessing a firearm under s. 941.29 or from
16 possessing a firearm that has been transported in interstate or foreign commerce
17 under federal law.

18 (gm) “Photo identification card” means an operator’s license issued under ch.
19 343 or an identification card issued under s. 343.50.

20 (h) “Private property” has the meaning given in s. 943.13 (1e) (e).

21 (i) “Proprietor” means a person to whom a Class “B” or “Class B” license or
22 permit has been issued under ch. 125.

23 (ig) “Purpose of authorized analysis” means for the purpose of determining or
24 obtaining evidence of the presence, quantity, or concentration of any intoxicant in a
25 person’s blood, breath, or urine.

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1 (is) “Test facility” means a test facility or agency prepared to administer tests
2 under s. 343.305 (2).

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

5 **(2) ISSUANCE OF LICENSE.** The department shall issue licenses to carry a
6 concealed weapon to an individual who meets the qualifications specified in sub. (3)
7 or (4) and who completes the application process specified in sub. (7) or (8). A license
8 to carry a concealed weapon issued under this section shall meet the requirements
9 specified in sub. (2m).

10 **(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE DOCUMENT**
11 **OR AUTHORIZATION.** (a) A licensee or an out-of-state licensee may carry a concealed
12 weapon anywhere in this state except as provided under sub. (15m) or (16) or s.
13 941.20 (1) (b) or 943.13 (1m) (c).

14 (b) A licensee shall carry his or her license document and photo identification
15 card and an out-of-state licensee shall carry his or her out-of-state authorization
16 at all times during which he or she is going armed with a concealed weapon.

17 (c) If he or she is carrying a concealed weapon, a licensee shall display his or
18 her license document and photo identification card and an out-of-state licensee shall
19 display his or her out-of-state authorization to a law enforcement officer upon the
20 request of the law enforcement officer.

21 **(2i) PRELIMINARY BREATH SCREENING TEST.** (a) *Requirement.* A person shall
22 provide a sample of his or her breath for a preliminary breath screening test if a law
23 enforcement officer has probable cause to believe that the person is violating sub.
24 (16) (cm) and if, prior to an arrest, the law enforcement officer requested that the
25 person provide this sample.

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1 (b) *Use of test results.* A law enforcement officer may use the results of a
2 preliminary breath screening test for the purpose of deciding whether or not to arrest
3 a person for a violation of sub. (16) (cm) or for the purpose of deciding whether or not
4 to request a chemical test under sub. (2k). Following the preliminary breath
5 screening test, chemical tests may be required of the person under sub. (2k).

6 (c) *Admissibility.* The result of a preliminary breath screening test is not
7 admissible in any action or proceeding except to show probable cause for an arrest,
8 if the arrest is challenged, or to show that a chemical test was properly required of
9 a person under sub. (2k).

10 (d) *Refusal.* There is no penalty for a violation of par. (a). Neither sub. (17) (b)
11 nor the general penalty provision under s. 939.61 applies to that violation.

12 **(2j) IMPLIED CONSENT.** Any person who carries a concealed weapon in this state
13 is deemed to have given consent to provide one or more samples of his or her breath,
14 blood, or urine for the purpose of authorized analysis as required under sub. (2k).
15 Any person who carries a concealed weapon in this state is deemed to have given
16 consent to submit to one or more chemical tests of his or her breath, blood, or urine
17 for the purpose of authorized analysis as required under sub. (2k).

18 **(2k) CHEMICAL TESTS.** (a) *Requirement.* 1. 'Samples; submission to tests.' A
19 person shall provide one or more samples of his or her breath, blood, or urine for the
20 purpose of authorized analysis if he or she is arrested for a violation of sub. (16) (cm)
21 and if he or she is requested to provide the sample by a law enforcement officer. A
22 person shall submit to one or more chemical tests of his or her breath, blood, or urine
23 for the purpose of authorized analysis if he or she is arrested for a violation of sub.
24 (16) (cm) and if he or she is requested to submit to the test by a law enforcement
25 officer.

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1 2. 'Information.' A law enforcement officer requesting a person to provide a
2 sample or to submit to a chemical test under subd. 1. shall inform the person of all
3 of the following at the time of the request and prior to obtaining the sample or
4 administering the test:

5 a. That he or she is deemed to have consented to tests under sub. (2i).

6 b. That a refusal to provide a sample or to submit to a chemical test constitutes
7 a violation under par. (e) and is subject to the same penalties and procedures as a
8 violation of sub. (16) (cm).

9 c. That in addition to the designated chemical test under par. (b) 2. he or she
10 may have an additional chemical test under par. (c) 1.

11 3. 'Unconscious person.' A person who is unconscious or otherwise not capable
12 of withdrawing consent is presumed not to have withdrawn consent under this
13 paragraph, and if a law enforcement officer has probable cause to believe that the
14 person violated sub. (16) (cm), one or more chemical tests may be administered to the
15 person without a request under subd. 1. and without providing information under
16 subd. 2.

17 (b) *Chemical tests.* 1. 'Test facility.' Upon the request of a law enforcement
18 officer, a test facility shall administer a chemical test of breath, blood, or urine for
19 the purpose of authorized analysis. A test facility shall be prepared to administer
20 2 of the 3 chemical tests of breath, blood, or urine for the purpose of authorized
21 analysis. The department may enter into agreements for the cooperative use of test
22 facilities.

23 2. 'Designated chemical test.' A test facility shall designate one chemical test
24 of breath, blood, or urine which it is prepared to administer first for the purpose of
25 authorized analysis.

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1 3. 'Additional chemical test.' A test facility shall specify one chemical test of
2 breath, blood, or urine, other than the test designated under subd. 2., which it is
3 prepared to administer for the purpose of authorized analysis as an additional
4 chemical test.

5 4. 'Validity; procedure.' A chemical test of blood or urine conducted for the
6 purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties
7 and responsibilities of the laboratory of hygiene, department of health and family
8 services, and department of transportation under s. 343.305 (6) apply to a chemical
9 test of blood or urine conducted for the purpose of authorized analysis under this
10 subsection. Blood may be withdrawn from a person arrested for a violation of sub.
11 (16) (cm) only by a physician, registered nurse, medical technologist, physician
12 assistant, or person acting under the direction of a physician and the person who
13 withdraws the blood, the employer of that person, and any hospital where blood is
14 withdrawn have immunity from civil or criminal liability as provided under s.
15 895.53.

16 5. 'Report.' A test facility which administers a chemical test of breath, blood,
17 or urine for the purpose of authorized analysis under this subsection shall prepare
18 a written report which shall include the findings of the chemical test, the
19 identification of the law enforcement officer or the person who requested a chemical
20 test, and the identification of the person who provided the sample or submitted to the
21 chemical test. The test facility shall transmit a copy of the report to the law
22 enforcement officer and the person who provided the sample or submitted to the
23 chemical test.

24 (c) *Additional and optional chemical tests.* 1. 'Additional chemical test.' If a
25 person is arrested for a violation of sub. (16) (cm) and if the person is requested to

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1 provide a sample or to submit to a test under par. (a) 1., the person may request the
2 test facility to administer the additional chemical test specified under par. (b) 3. or,
3 at his or her own expense, reasonable opportunity to have any qualified person
4 administer a chemical test of his or her breath, blood, or urine for the purpose of
5 authorized analysis.

6 2. 'Optional test.' If a person is arrested for a violation of sub. (16) (cm) and if
7 the person is not requested to provide a sample or to submit to a test under par. (a)
8 1., the person may request the test facility to administer a chemical test of his or her
9 breath or, at his or her own expense, reasonable opportunity to have any qualified
10 person administer a chemical test of his or her breath, blood, or urine for the purpose
11 of authorized analysis. If a test facility is unable to perform a chemical test of breath,
12 the person may request the test facility to administer the designated chemical test
13 under par. (b) 2. or the additional chemical test under par. (b) 3.

14 3. 'Compliance with request.' A test facility shall comply with a request under
15 this paragraph to administer any chemical test that it is able to perform.

16 4. 'Inability to obtain chemical test.' The failure or inability of a person to
17 obtain a chemical test at his or her own expense does not preclude the admission of
18 evidence of the results of a chemical test required and administered under pars. (a)
19 and (b).

20 (d) *Admissibility; effect of test results; other evidence.* The results of a chemical
21 test required or administered under par. (a), (b), or (c) are admissible in any civil or
22 criminal action or proceeding arising out of the acts committed by a person alleged
23 to have violated sub. (16) (cm) on the issue of whether the person had alcohol
24 concentrations at or above specified levels or was under the influence of an
25 intoxicant. Results of these chemical tests shall be given the effect required under

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1 s. 885.235. This subsection does not limit the right of a law enforcement officer to
2 obtain evidence by any other lawful means.

3 (e) *Refusal*. No person may refuse a lawful request to provide one or more
4 samples of his or her breath, blood, or urine or to submit to one or more chemical tests
5 under par. (a). A person shall not be deemed to refuse to provide a sample or to submit
6 to a chemical test if it is shown by a preponderance of the evidence that the refusal
7 was due to a physical inability to provide the sample or to submit to the test due to
8 a physical disability or disease unrelated to the use of an intoxicant. Issues in any
9 action concerning a violation of par. (a) or this paragraph are limited to:

10 1. Whether the law enforcement officer had probable cause to believe the
11 person was violating or had violated sub. (16) (cm).

12 2. Whether the person was lawfully placed under arrest for violating sub. (16)
13 (cm).

14 3. Whether the law enforcement officer requested the person to provide a
15 sample or to submit to a chemical test and provided the information required under
16 par. (a) 2. or whether the request and information were unnecessary under par. (a)
17 3.

18 4. Whether the person refused to provide a sample or to submit to a chemical
19 test.

20 **(2m)** LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (c), and
21 (d), the department shall design a single license document for licenses issued and
22 renewed under this section. The department shall complete the design of the license
23 document no later than the first day of the 2nd month beginning after the effective
24 date of this paragraph [revisor inserts date].

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1 (b) A license document for a license issued under this section shall contain all
2 of the following on one side:

3 1. The full name, date of birth, and residence address of the licensee.

4 2. A physical description of the licensee, including sex, height, weight, and hair
5 and eye color.

6 3. The date on which the license was issued.

7 4. The date on which the license expires.

8 5. The name of this state.

9 6. A unique identification number for each licensee.

10 (c) The license document may not contain the licensee's social security number.

11 (d) A license document issued under this section shall be, to the maximum
12 extent possible, tamper proof. The contents of the license document shall be included
13 in the document in substantially the same way that the contents of an operator's
14 license document issued under s. 343.17 are included in that document.

15 **(3) QUALIFICATIONS FOR OBTAINING A LICENSE.** An individual is eligible for a
16 license under this section if all of the following apply:

17 (a) The individual is at least 21 years of age.

18 (b) The individual does not have a severe physical disability that prevents him
19 or her from safely handling a weapon and that, if the individual were handling a
20 weapon, would cause the individual to pose a significant public safety risk. The
21 department shall promulgate rules specifying the procedures and definitions that it
22 is required to apply when determining whether an individual is ineligible for a
23 license under this section because he or she has a severe physical disability that
24 prevents him or her from safely handling a weapon and that, if the individual were

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1 handling a weapon, would cause the individual to pose a significant public safety
2 risk.

3 (c) The individual is not prohibited under federal law from possessing a firearm
4 that has been transported in interstate or foreign commerce.

5 (d) The individual is not prohibited from possessing a firearm under s. 941.29.

6 (e) During the preceding 3 years, the individual has not been committed under
7 s. 51.20 for being drug dependent.

8 (f) During the preceding 3 years, the individual has not been convicted for any
9 violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch.
10 961 or of a federal law or a law of another state that is comparable to any provision
11 of ch. 961.

12 (g) The individual does not chronically and habitually use alcohol beverages or
13 other substances to the extent that his or her normal faculties are impaired. A person
14 is presumed chronically and habitually to use alcohol beverages or other substances
15 to the extent that his or her normal faculties are impaired if, within the preceding
16 3 years, any of the following applies:

17 1. The individual has been committed for involuntary treatment under s. 51.45
18 (13).

19 2. The individual has been convicted of a violation of s. 941.20 (1) (b).

20 3. In 2 or more cases arising out of separate incidents, a court has found the
21 individual to have committed a drunk driving offense.

22 (h) The individual has done one of the following:

23 1. Successfully completed a firearm training or firearm safety course or class
24 that meets the requirements under sub. (3m) (a).

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1 2. Been certified as described under sub. (3m) (b) as an instructor of a firearm
2 training or firearm safety course or class.

3 3. Participated in organized shooting competitions or military, law
4 enforcement, or security training that gave the applicant experience with firearms
5 that the department determines is substantially equivalent to any course or class
6 that meets the requirements under sub. (3m) (a).

7 (i) The individual has not been found incompetent under ch. 880 or, if the
8 individual has been found incompetent under ch. 880, he or she was subsequently
9 found to be competent and at least 5 years have elapsed from the date that he or she
10 was found to be competent.

11 (im) The individual was not the subject of a protective placement under s. 55.06
12 as a minor unless at least 5 years have elapsed from the date on which his or her
13 protective placement ended.

14 (j) The individual has not been involuntarily committed for treatment under
15 s. 51.20 due to mental illness or a developmental disability or, if the individual has
16 been involuntarily committed for treatment under s. 51.20 due to mental illness or
17 a developmental disability, he or she shows, through evidence from a psychiatrist
18 licensed in this state, that he or she has not been disabled due to mental illness or
19 a developmental disability for at least 5 years.

20 (k) The individual has not been found incompetent under s. 971.14 or, if the
21 individual has been found incompetent under s. 971.14, one of the following applies:

22 1. He or she was subsequently found to be competent and at least 5 years have
23 elapsed from the date that he or she was found to be competent.

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1 2. He or she was not subsequently found to be competent and he or she shows,
2 through evidence from a psychiatrist licensed in this state, that he or she has not
3 been disabled due to mental illness or a developmental disability for at least 5 years.

4 (L) The individual has not been found not guilty by reason of mental disease
5 or defect under s. 971.17 or, if the individual has been found not guilty by reason of
6 mental disease or defect under s. 971.17, he or she presents evidence from a
7 psychiatrist licensed in this state that he or she has not been disabled due to mental
8 illness or a developmental disability for at least 5 years.

9 (m) Within the preceding 3 years, the individual was not convicted of a
10 misdemeanor crime of violence or was not serving a sentence, on probation, or subject
11 to a dispositional order under ch. 938 for committing a misdemeanor crime of
12 violence.

13 (n) The individual has not been charged with a felony or a misdemeanor crime
14 of violence for which the prosecution was suspended under a deferred prosecution
15 agreement unless 3 years have elapsed since the date of the agreement.

16 (o) The individual is not the subject of any pending civil or criminal case, the
17 disposition of which could disqualify him or her from having a license under this
18 subsection.

19 (p) The individual has not previously submitted an application for a license
20 under this section and had the application denied, unless each reason for the denial
21 is no longer applicable because of changed circumstances or, if the denial was based
22 on a restriction under this subsection that applies for a specified period of time,
23 because that time period has run.

24 (q) The individual has not had a license that was issued under this section
25 revoked, unless each reason for the revocation is no longer applicable because of

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1 changed circumstances or, if the revocation was based on a restriction under this
2 subsection that applies for a specified period of time, because that time period has
3 run.

4 (r) The individual has not been convicted under sub. (17) (c), (d), or (e).

5 (s) The individual is a Wisconsin resident.

6 **(3m) COURSE OR CLASS REQUIREMENTS.** (a) A firearm training or firearm safety
7 course or class under sub. (3) (h) 1. or 3. shall include all of the following:

8 1. Instruction on how to handle, load, unload, and store handguns.

9 2. Instruction on the privilege of self-defense and the defense of others under
10 s. 939.48.

11 3. Instruction on how to avoid injuring 3rd parties when defending himself,
12 herself, or others in a manner that is privileged under s. 939.48.

13 4. Basic self-defense principles.

14 5. Instruction on how to carry a concealed handgun safely.

15 6. Instruction on firing a handgun.

16 7. Practice firing a handgun.

17 8. Instruction by an instructor certified by the department under par. (b).

18 (b) The department shall certify instructors and maintain a list of instructors
19 that it certifies. To be certified by the department as an instructor, a person must
20 meet all of the following criteria:

21 1. Be qualified under sub. (3) to carry a concealed weapon.

22 2. Be able to demonstrate the ability and knowledge required for instructing
23 students under par. (a) 1. to 7.

24 **(5) APPLICATION AND RENEWAL FORMS.** The department shall design an
25 application form for use by individuals who apply for a license under this section and

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1 a renewal form for use by individuals applying for renewal of a license under sub.
2 (15). The department shall complete the design of the application form no later than
3 the first day of the 2nd month beginning after the effective date of this subsection
4 [revisor inserts date], and shall complete the design of the renewal form no later than
5 the first day of the 36th month beginning after the effective date of this subsection
6 [revisor inserts date]. The department shall make available both forms on the
7 Internet or by mail upon request. The forms designed by the department under this
8 subsection shall require the applicant to provide only his or her name, address, date
9 of birth, race, sex, height, weight, and hair and eye color and shall include all of the
10 following:

11 (e) A statement that the applicant is eligible for a license if the requirements
12 specified in sub. (3) are met.

13 (f) A statement explaining the privilege of self-defense and defense of others
14 under s. 939.48, with a place for the applicant to sign his or her name to indicate that
15 he or she has read and understands the statement.

16 (g) A statement, with a place for the applicant to sign his or her name, to
17 indicate that the applicant has read and understands the requirements of this
18 section.

19 (h) A statement that the application must include a notarized statement as
20 described under sub. (6) and that an applicant may be prosecuted if he or she gives
21 a false answer to any question on the application or submits a falsified document
22 with the application.

23 (i) A statement of the penalties for giving a false answer to any question on the
24 application or submitting a falsified document with the application.

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1 **(6) NOTARIZED STATEMENT.** An applicant shall submit a notarized statement that
2 reports that the information that he or she provides in an application submitted
3 under sub. (7) and any document submitted with the application is true and complete
4 to the best of his or her knowledge.

5 **(7) SUBMISSION OF APPLICATION.** An individual may apply for a license under this
6 section with the department by submitting to the department all of the following:

7 (a) An application in the form prescribed under sub. (5) that includes a
8 notarized statement as required under sub. (6).

9 (bd) A license fee of \$52.

10 (bh) A fee for a background check of \$8.

11 (bp) A shooting range improvement fee of \$15 written as a separate check,
12 made out to the applicant's county of residence, that the department shall forward
13 to that county on at least a quarterly basis.

14 (d) A photocopy of a certificate or other evidence showing the applicant's
15 qualifications under sub. (3) (h).

16 **(9) PROCESSING OF APPLICATION.** (a) Upon receiving an application submitted
17 under sub. (7), the department shall conduct a background check, as provided under
18 sub. (9g).

19 (b) Within 21 days after receiving an application under sub. (7), the department
20 shall do one of the following:

21 1. Issue the license and promptly send the licensee his or her license document
22 by 1st class mail.

23 2. Deny the application, but only if the applicant fails to qualify under the
24 criteria specified in sub. (3). If the department denies the application, the

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1 department shall inform the applicant in writing, stating the reason and factual
2 basis for the denial to the extent permitted under federal law.

3 **(9g) BACKGROUND CHECKS.** (b) The department shall conduct a background
4 check regarding an applicant for a license using the following procedure:

5 1. The department shall create a confirmation number associated with the
6 applicant.

7 2. The department shall use the transaction information for management of
8 enforcement system and the national crime information center system.

9 3. As soon as practicable, the department shall do the following:

10 a. If the background check indicates that the applicant does not qualify for a
11 license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), create
12 a unique nonapproval number for the applicant.

13 b. If the completed background check does not indicate that the applicant is
14 disqualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),
15 (n), (o), or (r), create a unique approval number for the applicant.

16 c. If the background check indicates that the applicant was the subject of a
17 relevant criminal charge for which there is no recorded disposition or if, in the case
18 of a misdemeanor delinquency adjudication, the background check does not indicate
19 how long the resultant dispositional order was in effect, make all reasonable efforts
20 to obtain the missing information.

21 (c) The department shall conduct the background check under par. (b)
22 immediately if the background check is for an applicant for an emergency license
23 under sub. (9r).

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1 (d) The department shall maintain the record of all completed application
2 forms and a record of all confirmation numbers and corresponding approval or
3 nonapproval numbers regarding background checks under this subsection.

4 (e) 1. The department shall check each application form under par. (d) against
5 the information recorded by the department regarding the corresponding request for
6 a background check under this subsection. If the department previously provided
7 a unique approval number regarding the request and nothing in the completed
8 application form indicates that the applicant is not qualified for a license under sub.
9 (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the department shall,
10 except as provided in subd. 2., destroy all records regarding that background check
11 within 30 days after receiving the form. If the department previously provided a
12 unique approval number regarding the request and the completed application form
13 indicates that the applicant is not qualified for a license under sub. (3) (c), (d), (e), (f),
14 (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the department shall immediately revoke
15 the license.

16 2. The department may maintain records necessary to administer this
17 subsection and, for a period of not more than 15 months after the department issues
18 a unique approval number, a log of dates of requests for background checks under
19 this subsection together with confirmation numbers and unique approval and
20 nonapproval numbers corresponding to those dates.

21 (f) The department shall promulgate rules authorizing it to obtain records
22 necessary to determine an applicant's eligibility under sub. (3) (e), (g) 1., (i), (im), and
23 (j) for a license issued under this section.

24 **(9r) EMERGENCY LICENSE.** (a) Unless the department knows that the person is
25 not qualified for a license under sub. (3) (a) to (g) or (i) to (s), the department may

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1 issue a license under this section to an individual who does not satisfy the
2 requirements under sub. (3) (h) if the department determines that immediate
3 licensure is warranted to protect the individual from death or great bodily harm, as
4 defined in s. 939.22 (14). If the department issues a license under this paragraph it
5 shall conduct an immediate background check under sub. (9g).

6 (b) 1. Except as provided in subd. 2. and par. (d), a license issued under par. (a)
7 is valid for 120 days from the date on which it is issued and may not be renewed.

8 2. If the department learns that an individual to whom the department has
9 issued a license under par. (a) does not qualify for a license under sub. (3) (c), (d), (e),
10 (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the department shall revoke the license.

11 (c) The department may waive the fees that would otherwise be required under
12 sub. (7) (bd), (bh), and (bp) for an individual who is applying for a license under par.
13 (a) if requiring the individual to pay the fees would create a hardship for the
14 individual. The department shall promulgate rules specifying the procedures and
15 definitions to apply when determining whether an individual is eligible for a waiver
16 of the fees for an emergency license under this section as provided under this
17 paragraph.

18 (d) A person who has been issued a license under par. (a) may obtain a license
19 under sub. (2) if he or she meets the qualifications specified under sub. (3) and
20 completes the application process specified in sub. (7). A license issued to a person
21 under par. (a) is void if the person is issued a license under sub. (2).

22 **(10) EXEMPTION FROM BACKGROUND CHECK.** Notwithstanding subs. (9) (a) and
23 (15) (c), the department shall issue or renew a license under this section to any of the
24 following individuals without requesting a background check:

25 (a) A law enforcement officer.

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1 (b) A correctional officer.

2 (c) A probation, parole, and extended supervision agent.

3 (d) A person who holds a current certification from the law enforcement
4 standards board under s. 165.85 (3) (c).

5 **(11) LICENSEE INFORMATION.** (a) The department shall maintain a computerized
6 record listing the names and the information specified in sub. (2m) (b) of all
7 individuals who have been issued a license under this section. After entering all of
8 the information, the department may not store, maintain, format, sort, or access the
9 information in any way other than by the name of the licensee or the identification
10 number assigned to the licensee under sub. (2m) (b) 6.

11 (c) 1. The department shall provide information concerning a specific licensee
12 to a law enforcement agency, but only if the law enforcement agency is requesting the
13 information for any of the following purposes:

14 a. To confirm that a license produced by an individual at the request of a law
15 enforcement officer is valid.

16 b. To confirm that the individual holds a valid license under this section, if the
17 individual is going armed with a concealed weapon but is not carrying his or her
18 license document and claims to hold a valid license issued under this section.

19 c. To investigate whether an individual submitted an intentionally false
20 notarized statement under sub. (6) or (15) (b) 2., intentionally violated sub. (12) (a),
21 or intentionally made a false statement to the department in connection with the
22 individual's request for an emergency license under sub. (9r).

23 2. If the department maintains information compiled under this section
24 regarding licensees through the transaction information for the management of
25 enforcement system and a law enforcement officer uses that system in the context

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1 of a vehicle stop that meets the requirements of s. 349.02 (2) (a), the law enforcement
2 officer may obtain information from that system regarding the licensee's status as
3 a licensee only for the purposes listed in subd. 1.

4 (d) 1. In this paragraph:

5 a. "Clerk" means the clerk of the circuit court or, if it has enacted a law or an
6 ordinance in conformity with s. 346.63, the clerk of the court for a federally
7 recognized American Indian tribe or band in this state, a city, a village, or a town.

8 b. "Court automated information systems" means the systems under s. 758.19
9 (4).

10 2. The court automated information systems, or the clerk or register in probate,
11 if the information is not contained in or cannot be transmitted by the court
12 automated information systems, shall promptly notify the department of the name
13 of any individual with respect to whom any of the following occurs and the specific
14 reason for the notification:

15 a. The individual is charged with a felony, a misdemeanor crime of violence, a
16 violation of ch. 961, the solicitation, conspiracy, or attempt to commit any violation
17 of ch. 961, a violation of s. 941.20 (1) (b), a violation of sub. (17) (c), (d), or (e), or any
18 other crime that, upon conviction, would disqualify the individual from having a
19 license under this section.

20 b. The individual is charged with a drunk driving offense.

21 c. The individual is found by a court to have committed any offense described
22 in subd. 2. a. or b.

23 d. Prosecution of a felony or a misdemeanor crime of violence for which the
24 individual is charged is suspended under a deferred prosecution agreement.

25 e. The individual is found incompetent under s. 971.14.

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1 f. The individual is found not guilty of any crime by reason of mental disease
2 or mental defect under s. 971.17.

3 g. The individual is involuntarily committed for treatment under s. 51.20 or
4 51.45.

5 h. The individual is found incompetent under ch. 880.

6 i. The individual becomes subject to an injunction described in s. 941.29 (1) (f)
7 or is ordered not to possess a firearm under s. 813.125 (4m).

8 j. A court has prohibited the individual from possessing a dangerous weapon
9 under s. 969.02 (3) (c).

10 3. Upon receiving a notice under subd. 2., the department shall immediately
11 determine if the individual who is the subject of the notice is a licensee, using the list
12 maintained under par. (a).

13 **(12) UPDATED INFORMATION.** (a) Within 10 days after being charged under
14 federal law or the law of another state with any crime or any drunk driving offense,
15 a licensee shall notify the department of the charge.

16 (b) No later than 30 days after changing his or her address, a licensee shall
17 inform the department of his or her new address. The department shall include the
18 individual's new address in the list under sub. (11) (a).

19 **(13) LOST OR DESTROYED LICENSE.** No later than 30 days after losing his or her
20 license document or after his or her license document is destroyed, a licensee shall
21 submit to the department a notarized statement that his or her license document has
22 been lost or destroyed. The department shall issue a replacement license document
23 within 14 days of receiving the notarized statement and a replacement license fee of
24 \$15.

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1 **(14)** LICENSE REVOCATION AND SUSPENSION. (a) The department shall revoke a
2 license that his or her county issued under this section if the licensee no longer meets
3 all of the criteria specified in sub. (3) (b) to (g), (i) to (n), and (p) to (s).

4 (am) 1. If any of the following occurs with respect to a licensee, the department
5 shall suspend the licensee's license:

6 a. The licensee is the subject of a pending civil or criminal case, the disposition
7 of which could require revocation of his or her license under par. (a).

8 b. A court has prohibited the licensee from possessing a dangerous weapon
9 under s. 969.02 (3) (c).

10 2. If the department suspends a license under subd. 1., and, upon disposition
11 of the case, the person to whom the license was issued meets all of the criteria
12 specified in sub. (3), the department shall restore the license within 14 days of
13 receiving the disposition.

14 (b) 1. If the department revokes or suspends a license under this section, the
15 revocation or suspension shall take effect immediately.

16 2. If the department suspends or revokes a license issued under this section,
17 it shall send the individual whose license has been suspended or revoked notice of
18 the suspension or revocation by certified mail within one day after the suspension
19 or revocation. Within 7 days after receiving the notice, the individual whose license
20 has been suspended or revoked shall deliver the license document personally or by
21 certified mail to the department.

22 **(14m)** APPEALS. (a) A person aggrieved by any action by the department
23 denying an application for a license, suspending or revoking a license under this
24 section, or denying certification as an instructor under sub. (3m) (b) may appeal
25 directly to the circuit court of his or her county.

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1 (b) To begin an appeal under this subsection, the aggrieved person shall file a
2 petition for review with the clerk of the applicable circuit court within 30 days after
3 the date of the department's action or, if applicable, within 30 days after the date of
4 the notice provided to the person under sub. (9) (b) 2. The petition shall state the
5 substance of the department's action that the person is appealing from and the
6 grounds upon which the person believes the department's action to be improper. The
7 petition may include a copy of any records or documents that are relevant to the
8 grounds upon which the person believes the department's action to be improper.

9 (c) A copy of the petition shall be served upon the department either personally
10 or by registered or certified mail within 5 days after the person files his or her petition
11 under par. (b).

12 (d) The department shall file an answer within 15 days after being served with
13 the petition under par. (c). The answer shall include a brief statement of the actions
14 taken by the department, and a copy of any documents or records on which the
15 department based its action shall be included with the answer when filed.

16 (e) The court shall review the petition, the answer, and any records or
17 documents submitted with the petition or the answer. The review under this
18 paragraph shall be conducted by the court without a jury and shall be confined to the
19 petition, the answer, and any records or documents submitted with the petition or
20 the answer, except that in cases of alleged irregularities in procedure by the
21 department the court may take testimony that the court determines is appropriate.

22 (f) The court shall affirm the department's action unless the court finds any of
23 the following:

- 24 1. That the department failed to follow procedure prescribed under this section.

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1 2. That the department erroneously interpreted a provision of law and a correct
2 interpretation compels a different action.

3 3. That the department's action depends on a finding of fact that is not
4 supported by substantial evidence in the record.

5 (g) 1. The court's decision shall provide whatever relief is appropriate
6 regardless of the original form of the petition.

7 2. If the court overturns the department's decision under sub. (3m) (b), the court
8 shall order the department to pay the aggrieved person all court costs and reasonable
9 attorney fees.

10 **(15) LICENSE EXPIRATION AND RENEWAL.** (a) Except as provided in par. (e) and
11 sub. (9r) (b) 1., a license issued under this section is valid for a period of 5 years from
12 the date on which the license is issued unless the license is suspended or revoked
13 under sub. (9g) (e) 1. or (14).

14 (b) The department shall design a notice of expiration form. At least 90 days
15 before the expiration date of a license issued under this section, the department shall
16 mail to the licensee a notice of expiration form and a form for renewing the license.
17 The department shall renew the license if, before the date the license expires, the
18 licensee does all of the following:

19 1. Submits a renewal application on the form provided by the department.

20 2. Submits a notarized statement reporting that the information provided
21 under subd. 1. is true and complete to the best of his or her knowledge and that he
22 or she is qualified under sub. (3).

23 4. Pays all of the following:

24 a. A \$27 renewal fee.

25 b. A fee for a background check of \$8.

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1 c. A shooting range improvement fee of \$15 written as a separate check, made
2 out to the applicant's county of residence, that the department shall forward to that
3 county on at least a quarterly basis.

4 (c) The department shall conduct a background check of a licensee as provided
5 under sub. (9g) before renewing the licensee's license under par. (b).

6 (d) If an individual whose license has expired does not submit a renewal
7 application under par. (b) before 6 months after the expiration date, the license shall
8 permanently expire. An individual whose license has permanently expired may be
9 issued a new license if he or she applies for a license under sub. (7).

10 (e) The license of a member of the U.S. armed forces, a reserve unit of the armed
11 forces, or the national guard who is deployed overseas while on active duty may not
12 expire until at least 90 days after the end of the licensee's overseas deployment
13 unless the license is suspended or revoked under sub. (9g) (e) 1. or (14).

14 **(15m) PRIVATE EMPLOYER RESTRICTIONS.** (a) Except as provided in par. (b), a
15 private employer may prohibit a licensee or an out-of-state licensee that it employs
16 from carrying a concealed weapon or a particular type of concealed weapon in the
17 course of the licensee's or out-of-state licensee's employment or during any part of
18 the licensee's or out-of-state licensee's course of employment.

19 (b) A private employer may not prohibit a licensee or an out-of-state licensee,
20 as a condition of employment, from carrying a concealed weapon or a particular type
21 of concealed weapon in the licensee's or out-of-state licensee's own motor vehicle,
22 regardless of whether the motor vehicle is used in the course of employment.

23 **(16) PROHIBITED ACTIVITY.** (a) Neither a licensee nor an out-of-state licensee
24 may knowingly carry a concealed weapon in any of the following places:

25 1. A place that has been declared a nuisance under ch. 823.

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1 2. A police station, sheriff's office, or state patrol station. This subdivision does
2 not prohibit a peace officer who is acting within the scope of his or her employment
3 from carrying a concealed weapon in a police station, sheriff's office, or state patrol
4 station.

5 3. A prison, jail, house of correction, or secured correctional facility.

6 4. A courthouse, except that a judge who is a licensee may carry a concealed
7 weapon in a courthouse in which he or she is presiding in court and may permit in
8 writing any other licensee or out-of-state licensee to carry a concealed weapon in a
9 courthouse in which he or she is presiding in court.

10 5. A place at which a school, college, or professional athletic event is taking
11 place, unless the event is related to firearms and the licensee or out-of-state licensee
12 is a participant in the event.

13 6. A school administration building.

14 7. Any premises for which a Class "B" or "Class B" license or permit has been
15 issued under ch. 125, unless one of the following applies:

16 a. The licensee or the out-of-state licensee is a person described in s. 941.237
17 (3) (a), (b), (c), (cm), or (d).

18 b. If the licensee or the out-of-state licensee is carrying a handgun, his or her
19 possession of the handgun is described in s. 941.237 (3) (e), (f), (g), (h), (i), or (j).

20 c. The sale of intoxicating liquors or fermented malt beverages or both on those
21 premises accounts for not more than 50 percent of the proprietor's annual gross
22 receipts from those premises.

23 8. In or beyond a security checkpoint in an airport, unless the weapon is
24 encased for shipment as baggage to be transported by aircraft.

25 9. A place in which carrying the weapon is prohibited by federal law.

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1 10. A kindergarten facility or classroom.

2 (at) Neither a licensee nor an out-of-state licensee may carry a concealed
3 weapon in a building owned or leased by the state or any political subdivision of the
4 state if the building provides electronic screening for weapons at all public entrances
5 to the building and for the locked storage of weapons on the premises while the
6 licensee or out-of-state licensee is in the building. This paragraph does not apply
7 to:

8 1. Peace officers or armed forces or military personnel who go armed in the line
9 of duty.

10 2. A person authorized to carry a weapon in the building by the chief of police
11 of the city, village, or town or the sheriff of the county in which the building is located.

12 3. A person authorized to carry a weapon in the building by the chief of the
13 capitol police, if the building is owned or leased by the state.

14 (b) Neither a licensee nor an out-of-state licensee may knowingly carry a
15 handgun in a school zone, as defined in s. 948.605 (1) (c), unless he or she is not in
16 or on the grounds of a school, as defined in s. 948.61 (1) (b), and one of the following
17 applies:

18 1. The individual is in a motor vehicle or on a snowmobile or bicycle.

19 2. The individual has exited a motor vehicle and is encasing the handgun or
20 storing it in the motor vehicle.

21 3. The individual is traveling directly to any person's private property from his
22 or her place of employment or business, from any person's private property, or from
23 a place outside of the school zone.

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1 4. The individual is traveling directly to his or her place of employment or
2 business from another place of his or her employment or business, from any person's
3 private property, or from a place outside of the school zone.

4 5. The individual is traveling directly to a place outside of the school zone from
5 another place outside of the school zone, from any individual's private property, or
6 from his or her place of employment or business.

7 6. The individual's possession of the handgun is described in s. 948.605 (2) (b).

8 (c) Neither a licensee nor an out-of-state licensee may knowingly carry a
9 weapon other than a handgun on school premises, as defined in s. 948.61 (1) (c),
10 unless he or she is a person described in or a person whose conduct is described in
11 s. 948.61 (3).

12 (cm) A person may not carry a concealed weapon if his or her alcohol
13 concentration exceeds 0.08.

14 (d) Paragraphs (a), (at), (b), and (c) do not apply to a peace officer, as defined
15 in s. 939.22 (22).

16 **(17) PENALTIES.** (a) Any person who violates sub. (2g) (b) or (c) may be required
17 to forfeit not more than \$25.

18 (b) Any person who violates sub. (16) (a), (at), (b), or (c) may be fined not more
19 than \$1,000 or imprisoned for not more than 90 days or both.

20 (bm) Any person who violates sub. (2k) (e) or (16) (cm) may be fined not more
21 than \$10,000 or imprisoned for not more than 9 months or both.

22 (c) Any person who submits an intentionally false notarized statement under
23 sub. (6) or (15) (b) 2. or who intentionally makes a false statement to the department
24 in requesting or in connection with the issuance of an emergency license under sub.

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1 (9r) shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned
2 for not more than 9 months.

3 (d) Any person who intentionally violates sub. (12) (a) shall be fined not less
4 than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

5 (e) Any person required under sub. (14) (b) 2. to relinquish or deliver a license
6 document to the department who intentionally violates the requirements of that
7 subdivision shall be fined not less than \$500 nor more than \$10,000 and may be
8 imprisoned for not more than 9 months.

9 (18) ACCESS TO RECORDS. Records created or kept under this section by the
10 department, other than reports created under sub. (19), are not subject to access
11 under s. 19.35.

12 (19) STATISTICAL REPORT. (a) By February 1 of each year, the department shall
13 create a statistical report indicating the number of licenses applied for, issued,
14 denied, suspended, and revoked under this section during the previous calendar
15 year. For the licenses denied, the report shall indicate the reasons for the denials and
16 the part of the application process during which the reasons for denial were
17 discovered. For the licenses suspended or revoked, the report shall indicate the
18 reasons for the suspensions and revocations.

19 (b) By March 1 of each year, the department shall submit a statistical report
20 to the legislature under s. 13.172 (2) and to the governor that is compiled from the
21 reports submitted under par. (a) and that indicates the number of licenses applied
22 for, issued, denied, suspended, and revoked under this section during the previous
23 calendar year. For the licenses denied, the report shall indicate the reasons for the
24 denials and the part of the application process in which the reasons for denial were

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1 discovered. For the licenses suspended or revoked, the report shall indicate the
2 reasons for the suspensions and revocations.

3 **(20m)** GRANTS FOR SHOOTING RANGES. (a) Using the fees collected under subs.
4 (7) (bp) and (15) (b) 4. c., a county shall award grants to persons for construction or
5 improvement of shooting ranges.

6 (b) A grant awarded under this subsection may be for up to 50 percent of the
7 cost of the construction or improvement of the shooting range. A grant awarded
8 under this subsection may not be used to pay for any of the following:

9 1. The construction of clubhouses and facilities that are not essential to the
10 operation of the shooting range.

11 2. The operation and maintenance of the shooting range.

12 (c) In order to receive a grant under this subsection, the person creating or
13 improving a shooting range shall agree to provide the facility for a firearm safety
14 course or class that meets the requirements under sub. (3m) (a).

15 (d) In determining whether to make a grant under this subsection to a
16 particular applicant, the county shall consider the potential of the project to meet the
17 needs of firearm safety courses or classes that meet the requirements under sub.
18 (3m) in the area served by the shooting range relative to the proposed cost of the
19 construction or improvement.

20 **(21)** IMMUNITY. (a) The department and its employees, clerks, as defined in sub.
21 (11) (d) 1. a., and their staff, and court automated information systems, as defined
22 under sub. (11) (d) 1. b., and their employees are immune from liability arising from
23 any act or omission under this section, if done in good faith.

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1 (b) A person providing a firearm safety or firearm training course or class in
2 good faith is immune from liability arising from any act or omission related to the
3 course or class if the course or class is one described in sub. (3) (h).

4 (c) A person that permits an individual to carry a concealed weapon on property
5 that the person owns or occupies is immune from any liability arising from its
6 decision to do so, if done in good faith.

7 (d) An employer that permits any of its employees to carry a concealed weapon
8 under sub. (15m) is immune from any liability arising from its decision to do so, if
9 done in good faith.

10 **SECTION 38.** 440.26 (3m) of the statutes is renumbered 440.26 (3m) (intro.) and
11 amended to read:

12 440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS. (intro.) The department
13 shall promulgate rules relating to the carrying of dangerous weapons by a person
14 who holds a license or permit issued under this section or who is employed by a
15 person licensed under this section. The rules shall meet the minimum requirements
16 specified in 15 USC 5902 (b). and shall allow all of the following:

17 **SECTION 39.** 440.26 (3m) (a) of the statutes is created to read:

18 440.26 (3m) (a) A person who is employed in this state by a public agency as
19 a law enforcement officer to carry a concealed firearm if s. 941.23 (1) (e) 2. to 5. and
20 (2) (b) 1. to 3. applies.

21 **SECTION 40.** 440.26 (3m) (b) of the statutes is created to read:

22 440.26 (3m) (b) A qualified out-of-state law enforcement officer, as defined in
23 s. 941.23 (1) (e), to carry a concealed firearm if s. 941.23 (2) (b) 1. to 3. applies.

24 **SECTION 41.** 440.26 (3m) (c) of the statutes is created to read:

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1 440.26 **(3m)** (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f),
2 to carry a concealed firearm if s. 941.23 (2) (c) 1. to 7. applies.

3 **SECTION 42.** 440.26 (3m) (d) of the statutes is created to read:

4 440.26 **(3m)** (d) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state
5 licensee, as defined in s. 175.50 (1) (g), to go armed with a concealed weapon as
6 permitted under s. 175.50.

7 **SECTION 43.** 813.12 (6) (am) 1. of the statutes is amended to read:

8 813.12 **(6)** (am) 1. If an injunction is issued or extended under sub. (4) or if a
9 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify
10 the department of justice of the injunction and shall provide the department of
11 justice with information concerning the period during which the injunction is in
12 effect and information necessary to identify the respondent for purposes of a firearms
13 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
14 175.50 (9g) (b).

15 **SECTION 44.** 813.122 (9) (am) 1. of the statutes is amended to read:

16 813.122 **(9)** (am) 1. If an injunction is issued or extended under sub. (5), the
17 clerk of the circuit court shall notify the department of justice of the injunction and
18 shall provide the department of justice with information concerning the period
19 during which the injunction is in effect and information necessary to identify the
20 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
21 (c) or a background check under s. 175.50 (9g) (b).

22 **SECTION 45.** 813.125 (5r) (a) of the statutes is amended to read:

23 813.125 **(5r)** (a) If an order prohibiting a respondent from possessing a firearm
24 is issued under sub. (4m), the clerk of the circuit court shall notify the department
25 of justice of the existence of the order prohibiting a respondent from possessing a

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1 firearm and shall provide the department of justice with information concerning the
2 period during which the order is in effect and information necessary to identify the
3 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
4 (c) or a background check under s. 175.50 (9g) (b).

5 **SECTION 46.** 885.235 (1g) (intro.) of the statutes is amended to read:

6 885.235 (1g) (intro.) In any action or proceeding in which it is material to prove
7 that a person was under the influence of an intoxicant or had a prohibited alcohol
8 concentration or a specified alcohol concentration while operating or driving a motor
9 vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating
10 a motorboat, except a sailboat operating under sail alone, while operating a
11 snowmobile, while operating an all-terrain vehicle, while going armed with a
12 concealed weapon, or while handling a firearm, evidence of the amount of alcohol in
13 the person's blood at the time in question, as shown by chemical analysis of a sample
14 of the person's blood or urine or evidence of the amount of alcohol in the person's
15 breath, is admissible on the issue of whether he or she was under the influence of an
16 intoxicant or had a prohibited alcohol concentration or a specified alcohol
17 concentration if the sample was taken within 3 hours after the event to be proved.
18 The chemical analysis shall be given effect as follows without requiring any expert
19 testimony as to its effect:

20 **SECTION 47.** 885.235 (1g) (e) of the statutes is created to read:

21 885.235 (1g) (e) In a case brought under s. 175.50 (16) (cm), the fact that the
22 analysis shows that the person had an alcohol concentration of more than 0.0 but less
23 than 0.08 is relevant evidence on the issue of whether the person had an alcohol
24 concentration of 0.08 or more but is not to be given any prima facie effect. In a case
25 brought under s. 175.50 (16) (cm), the fact that the analysis shows that the person

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1 had an alcohol concentration of 0.08 or more is prima facie evidence that he or she
2 had an alcohol concentration of 0.08 or more.

3 **SECTION 48.** 938.396 (8) of the statutes is amended to read:

4 938.396 (8) Notwithstanding sub. (2), if a juvenile is adjudged delinquent for
5 an act that would be a felony if committed by an adult, the court clerk shall notify
6 the department of justice of that fact. No other information from the juvenile's court
7 records may be disclosed to the department of justice except by order of the court.
8 The department of justice may disclose any information provided under this
9 subsection only as part of a firearms restrictions record search under s. 175.35 (2g)
10 (c) or a background check under s. 175.50 (9g) (b).

11 **SECTION 49.** 938.396 (8m) of the statutes is created to read:

12 938.396 (8m) (a) Notwithstanding sub. (2), if a juvenile is adjudged delinquent
13 for an act that would be a misdemeanor crime of violence, as defined in s. 175.50 (1)
14 (e), if committed by an adult, the court clerk shall notify the department of justice
15 of that fact. Except as provided in par. (b), no other information from the juvenile's
16 court records may be disclosed to the department of justice except by order of the
17 court.

18 (b) If an applicant for a license to carry a concealed weapon under s. 175.50 was
19 adjudicated delinquent as a juvenile in a case covered by par. (a), the department of
20 justice may request permission to review court records relating to the case for the
21 purpose of determining whether the applicant meets the requirement under s.
22 175.50 (3) (m). Upon receiving such a request, the court shall open for inspection by
23 authorized representatives of the department of justice the records of the court
24 relating to that case.

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1 (c) The department of justice may disclose information provided or obtained
2 under this subsection only as part of a background check under s. 175.50 (9g) (b).

3 **SECTION 50.** 941.23 of the statutes is renumbered 941.23 (2) (intro.) and
4 amended to read:

5 941.23 (2) (intro.) Any person ~~except a peace officer, other than one of the~~
6 following, who goes armed with a concealed and dangerous weapon is guilty of a
7 Class A misdemeanor.;

8 **SECTION 51.** 941.23 (1) of the statutes is created to read:

9 941.23 (1) In this section:

10 (a) "Destructive device" means any of the following but does not include an
11 exempt device:

12 1. A bomb, a grenade, a rocket having a propellant charge of more than 4
13 ounces, a missile having an explosive or incendiary charge of more than 0.25 ounce,
14 a mine, or any similar device.

15 2. Any type of weapon, other than a shotgun or a shotgun shell that the U.S.
16 department of justice finds is generally recognized as particularly suitable for
17 sporting purposes, that expels, or that may be readily converted to expel, a projectile
18 by the action of an explosive or other propellant and that has a barrel with a bore of
19 more than 0.5 inch in diameter.

20 3. Any combination of parts that is designed for converting, or intended for use
21 in converting, any device into a device described in subd. 1. or 2. and from which a
22 device described in subd. 1. or 2. may be readily assembled.

23 (b) "Exempt device" means any of the following:

24 1. A device that is neither designed nor redesigned for use as a weapon.

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1 2. A device that, although originally designed for use as a weapon, is redesigned
2 for use as a signaling, pyrotechnic, line throwing, safety, or similar device.

3 3. Surplus ordnance sold, loaned, or given by the U.S. secretary of the army
4 under 10 USC 4684 (2), 4685, or 4686.

5 4. Any other device that the U.S. department of justice finds is not likely to be
6 used as a weapon, is an antique, or is a rifle that the owner intends to use solely for
7 sporting, recreational, or cultural purposes.

8 (c) "Former employer" has the meaning given in s. 175.49 (1) (b).

9 (d) "Law enforcement officer" has the meaning given in s. 175.49 (1) (c).

10 (e) "Qualified out-of-state law enforcement officer" means a law enforcement
11 officer to whom all of the following apply:

12 1. The person is employed by a state or local government agency in another
13 state.

14 2. The agency has authorized the person to carry a firearm.

15 3. The person is not the subject of any disciplinary action by the agency.

16 4. The person meets all standards established by the agency to qualify the
17 person on a regular basis to use a firearm.

18 5. The person is not prohibited under federal law from possessing a firearm.

19 (f) "Retired federal law enforcement officer" means a person who, before
20 retiring, was employed as a law enforcement officer with a public agency.

21 **SECTION 52.** 941.23 (2) (a) of the statutes is created to read:

22 941.23 (2) (a) A peace officer.

23 **SECTION 53.** 941.23 (2) (b) of the statutes is created to read:

24 941.23 (2) (b) A qualified out-of-state law enforcement officer. This paragraph
25 applies only if all of the following apply:

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1 1. The weapon is a firearm but is not a machine gun, as defined in s. 941.27 (1),
2 or a destructive device.

3 2. A firearm silencer, as defined in s. 941.298 (1), is not attached to the weapon.

4 3. The officer is not under the influence of an intoxicant.

5 **SECTION 54.** 941.23 (2) (c) of the statutes is created to read:

6 941.23 (2) (c) A retired law enforcement officer. This paragraph applies only
7 if all of the following apply:

8 1. The retired officer has been issued a photographic identification document
9 described in s. 941.23 (3) (b) 1. or both of the following:

10 a. A photographic identification document described in s. 941.23 (3) (b) 2.
11 (intro.).

12 b. An identification card described in s. 941.23 (3) (b) 2. a., if the retired officer
13 resides in this state, or a certification described in s. 941.23 (3) (b) 2. b., if the retired
14 officer resides in another state.

15 2. The weapon is a firearm that is of the type described in a photographic
16 identification document described in subd. 1. (intro.) or a certification described in
17 subd. 1. b.

18 3. Within the preceding 12 months, the retired officer met the standards of the
19 state in which he or she resides for training and qualification for active duty law
20 enforcement officers to carry firearms.

21 4. The weapon is not a machine gun, as defined in s. 941.27 (1), or a destructive
22 device.

23 5. A firearm silencer, as defined in s. 941.298 (1), is not attached to the weapon.

24 6. The retired officer is not under the influence of an intoxicant.

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1 7. The retired officer is not prohibited under federal law from possessing a
2 firearm.

3 **SECTION 55.** 941.23 (2) (d) of the statutes is created to read:

4 941.23 (2) (d) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state
5 licensee, as defined in s. 175.50 (1) (g), if the dangerous weapon is a weapon, as
6 defined under s. 175.50 (1) (j). An individual formerly licensed under s. 175.50 whose
7 license has been suspended or revoked under s. 175.50 (14) may not assert his or her
8 refusal to accept a notice of revocation or suspension mailed under s. 175.50 (14) (b)
9 2. as a defense to prosecution under this subsection, regardless of whether the person
10 has complied with s. 175.50 (12).

11 **SECTION 56.** 941.23 (2) (e) of the statutes is created to read:

12 941.23 (2) (e) An individual who goes armed with a concealed and dangerous
13 weapon, as defined in s. 175.50 (1) (j), in his or her own dwelling or place of business
14 or on land that he or she owns, leases, or legally occupies, unless he or she is
15 prohibited under federal or state law from possessing that weapon.

16 **SECTION 57.** 941.23 (3) of the statutes is created to read:

17 941.23 (3) (a) A qualified out-of-state law enforcement officer shall, while
18 carrying a concealed firearm, also carry an identification card that contains his or
19 her photograph and that was issued by the law enforcement agency by which he or
20 she is employed.

21 (b) A retired law enforcement officer shall, while carrying a concealed firearm,
22 also carry one of the following:

23 1. A photographic identification document issued by the retired officer's former
24 employer that indicates that, within the 12 months preceding the date on which the
25 retired officer is carrying the concealed firearm, he or she was tested or otherwise

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1 found by his or her former employer to meet the standards that it has established for
2 training and qualification for active duty law enforcement officers to carry a firearm
3 of the same type as the firearm that the retired officer is carrying.

4 2. A photographic identification document issued by retired officer's former
5 employer and one of the following:

6 a. An identification card issued under s. 175.49 (2), if the retired officer resides
7 in this state.

8 b. A certification issued by the state in which the retired officer resides, if the
9 retired officer resides in another state, that indicates that, within the 12 months
10 preceding the date on which the retired officer is carrying the concealed firearm, he
11 or she was tested or otherwise found by that state to meet the state's standards for
12 training and qualification for active duty law enforcement officers to carry a firearm
13 of the same type as the firearm that the retired officer is carrying.

14 (c) A person who violates this subsection may be required to forfeit not more
15 than \$25.

16 (d) This subsection does not apply to a licensee, as defined in s. 175.50 (1) (d),
17 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

18 **SECTION 58.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and
19 amended to read:

20 941.235 (2) (intro.) This section does not apply to ~~peace~~ any of the following:

21 (a) Peace officers or armed forces or military personnel who go armed in the line
22 of duty ~~or to any~~.

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

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1 **SECTION 59.** 941.235 (2) (c) of the statutes is created to read:

2 941.235 (2) (c) A qualified out-of-state law enforcement officer, as defined in
3 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

4 **SECTION 60.** 941.235 (2) (d) of the statutes is created to read:

5 941.235 (2) (d) A retired law enforcement officer, as defined in s. 941.23 (1) (f),
6 to whom s. 941.23 (2) (c) 1. to 7. applies.

7 **SECTION 61.** 941.235 (2) (e) of the statutes is created to read:

8 941.235 (2) (e) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state
9 licensee, as defined in s. 175.50 (1) (g), if the firearm is a handgun, as defined in s.
10 175.50 (1) (bm).

11 **SECTION 62.** 941.237 (3) (cr) of the statutes is created to read:

12 941.237 (3) (cr) A qualified out-of-state law enforcement officer, as defined in
13 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

14 **SECTION 63.** 941.237 (3) (ct) of the statutes is created to read:

15 941.237 (3) (ct) A retired law enforcement officer, as defined in s. 941.23 (1) (f),
16 to whom s. 941.23 (2) (c) 1. to 7. applies.

17 **SECTION 64.** 941.237 (3) (cx) of the statutes is created to read:

18 941.237 (3) (cx) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state
19 licensee, as defined in s. 175.50 (1) (g).

20 **SECTION 65.** 941.29 (11) of the statutes is created to read:

21 941.29 (11) This section does not apply to any of the following:

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

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

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1 (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s.
2 941.23 (2) (c) 1. to 7. applies.

3 **SECTION 66.** 941.295 (2) (d) of the statutes is amended to read:

4 941.295 (2) (d) Any manufacturer or seller whose of electric weapons are used
5 in this state solely by persons, unless the manufacturer or seller engages in the
6 conduct described in sub. (1) with the intent to provide an electric weapon to someone
7 other than a person specified in pars. (a) to (c) or sub. (2g) (a) or to a person for use
8 in his or her dwelling or place of business or on land that he or she owns, leases, or
9 legally occupies.

10 **SECTION 67.** 941.295 (2g) of the statutes is created to read:

11 941.295 (2g) The prohibition in sub. (1) on possessing or going armed with an
12 electric weapon does not apply to any of the following:

13 (a) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as
14 defined in s. 175.50 (1) (g).

15 (b) An individual who goes armed with an electric weapon in his or her own
16 dwelling or place of business or on land that he or she owns, leases, or legally
17 occupies, unless he or she is prohibited under federal or state law from possessing
18 that weapon.

19 **SECTION 68.** 941.295 (2r) of the statutes is created to read:

20 941.295 (2r) The prohibition in sub. (1) on transporting an electric weapon does
21 not apply to any of the following:

22 (a) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as
23 defined in s. 175.50 (1) (g).

24 (b) An individual who transports an electric weapon from any of the following
25 places to any of the following places:

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- 1 1. His or her dwelling.
- 2 2. His or her own place of business.
- 3 3. Land that he or she owns, leases, or legally occupies.

4 **SECTION 69.** 943.13 (1e) (bm) of the statutes is created to read:

5 943.13 **(1e)** (bm) "Licensee" means a licensee, as defined in s. 175.50 (1) (d), or
6 an out-of-state licensee, as defined in s. 175.50 (1) (g).

7 **SECTION 70.** 943.13 (1e) (g) of the statutes is created to read:

8 943.13 **(1e)** (g) "Weapon" has the meaning given in s. 175.50 (1) (j).

9 **SECTION 71.** 943.13 (1m) (b) of the statutes is amended to read:

10 943.13 **(1m)** (b) Enters or remains on any land of another after having been
11 notified by the owner or occupant not to enter or remain on the premises. This
12 paragraph does not apply to a licensee if the owner's or occupant's intent is to prevent
13 the licensee from going armed with a concealed weapon on the owner's or occupant's
14 land.

15 **SECTION 72.** 943.13 (1m) (c) of the statutes is created to read:

16 943.13 **(1m)** (c) 1. While going armed with a concealed weapon, enters or
17 remains at a residence that the person does not own or occupy after the owner of the
18 residence, if he or she has not leased it to another person, or the occupant of the
19 residence has notified the actor not to enter or remain at the residence while going
20 armed with a concealed weapon or with that type of concealed weapon. In this
21 subdivision, "residence," with respect to a single-family residence, includes all of the
22 premises, and "residence," with respect to a residence that is not a single-family
23 residence, does not include any common area of the building in which the residence
24 is located.

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1 2. While going armed with a concealed weapon, enters or remains in any part
2 of a nonresidential building that the person does not own or occupy after the owner
3 of the building, if he or she has not leased it to another person, or the occupant of the
4 building has notified the actor not to enter or remain in the building while going
5 armed with a concealed weapon or with that type of concealed weapon. This
6 subdivision does not apply to a part of a building occupied by the state or one of its
7 political subdivisions or to any part of a building used for parking.

8 **SECTION 73.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
9 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

10 943.13 (2) (am) (intro.) A person has received notice from the owner or occupant
11 within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally,
12 either orally or in writing, or if the land is posted. Land is considered to be posted
13 under this ~~subsection~~ paragraph under either of the following procedures:

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

23 **SECTION 74.** 943.13 (2) (bm) of the statutes is created to read:

24 943.13 (2) (bm) 1. In this paragraph, "sign" means a sign that states a
25 restriction imposed under subd. 2. that is at least 11 inches square.

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1 2. For the purposes of sub. (1m) (c) 2., an owner or occupant of a part of a
2 nonresidential building has notified an individual not to enter or remain in that part
3 of the nonresidential building while going armed with a concealed weapon or with
4 a particular type of concealed weapon if the owner or occupant has done all of the
5 following:

6 a. Posted a sign that is located in a prominent place near the primary entrance
7 to the part of the nonresidential building to which the restriction applies.

8 b. Personally and orally notified the individual of the restriction.

9 **SECTION 75.** 943.13 (3) of the statutes is amended to read:

10 943.13 (3) Whoever erects on the land of another signs which are the same as
11 or similar to those described in sub. (2) (am) without obtaining the express consent
12 of the lawful occupant of or holder of legal title to such land is subject to a Class C
13 forfeiture.

14 **SECTION 76.** 946.32 (3) of the statutes is created to read:

15 946.32 (3) This section does not apply to offenses that may be prosecuted under
16 s. 175.50 (17) (c).

17 **SECTION 77.** 948.605 (2) (c) of the statutes is created to read:

18 948.605 (2) (c) Paragraph (a) does not apply to any of the following:

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

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

23 3. A retired Wisconsin law enforcement officer, as defined in s. 941.23 (1) (f),
24 to whom s. 941.23 (2) (c) 1. to 7. applies.

