



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2739/1
CMH:cdc

2023 ASSEMBLY BILL 1080

February 12, 2024 - Introduced by Representatives ANDRACA, STUBBS, J. ANDERSON, BALDEH, CONLEY, CONSIDINE, DRAKE, EMERSON, HONG, JOERS, NEUBAUER, PALMERI, RATCLIFF, SINICKI, SNODGRASS, SUBECK, JACOBSON and CLANCY, cosponsored by Senators ROYS, AGARD, CARPENTER, HESSELBEIN, LARSON, SMITH, SPREITZER and L. JOHNSON. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to repeal* 943.13 (1m) (c) 5.; *to amend* 175.60 (2g) (a), 175.60 (5) (a) 6.,
2 938.34 (14q), 938.78 (3), 939.632 (1) (e) 3., 941.235 (1), 943.13 (1m) (c) 4., 943.13
3 (2) (bm) 2. am., 968.255 (1) (a) 2. and 973.137 (1); and *to create* 941.236 of the
4 statutes; **relating to:** prohibiting possessing a firearm on college and
5 university campuses and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from carrying a firearm in a building owned or leased by the state or a political subdivision of the state. A person who violates the prohibition is guilty of a Class A misdemeanor. The prohibition does not apply to a person who has a license to carry a concealed weapon. Current law allows a university or college to post notice on a building to prevent a person from entering it while carrying a firearm. A person, including a licensee, who carries a firearm into a posted building is guilty of trespassing and is subject to a Class B forfeiture, which is a forfeiture not to exceed \$1,000.

This bill eliminates the trespassing provision and prohibits a person from possessing a firearm in a publicly or privately owned building on a university or college campus or on the grounds of or land owned or occupied by a university or college. A person who violates the prohibition is guilty of a Class A misdemeanor. The prohibition does not apply to a law enforcement officer or military personnel in the line of duty, a person who leases residential space (not including a dormitory or part of a residence hall) or business space on the campus if the person is in the space,

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a participant who possesses the firearm for use in a program approved by the university or college, a person who possesses the firearm in accordance with a contract entered into between the university or college and the person or his or her employer, or a person who possesses a firearm that is unloaded and encased.

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.

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

1 **SECTION 1.** 175.60 (2g) (a) of the statutes is amended to read:

2 175.60 **(2g)** (a) A licensee or an out-of-state licensee may carry a concealed
3 weapon anywhere in this state except as provided under subs. (15m) and (16) and ss.
4 941.236, 943.13 (1m) (c), and 948.605 (2) (b) 1r.

5 **SECTION 2.** 175.60 (5) (a) 6. of the statutes is amended to read:

6 175.60 **(5)** (a) 6. A statement of the places under sub. (16) where a licensee is
7 prohibited from carrying a weapon, as well as an explanation of the provisions under
8 sub. (15m) and ss. 941.236, 943.13 (1m) (c), and 948.605 (2) (b) 1r. that could limit
9 the places where the licensee may carry a weapon, with a place for the applicant to
10 sign his or her name to indicate that he or she has read and understands the
11 statement.

12 **SECTION 3.** 938.34 (14q) of the statutes is amended to read:

13 938.34 **(14q)** CERTAIN BOMB SCARES AND FIREARM VIOLATIONS. In addition to any
14 other disposition imposed under this section, if the juvenile is found to have violated
15 s. 947.015 and the property involved is owned or leased by the state or any political
16 subdivision of the state, or if the property involved is a school premises, as defined
17 in s. 948.61 (1) (c), or if the juvenile is found to have violated s. 941.235, 941.236, or
18 948.605, immediately suspend the juvenile's operating privilege, as defined in s.

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1 340.01 (40), for 2 years. The court shall immediately forward to the department of
2 transportation the notice of suspension, stating that the suspension is for a violation
3 of s. 947.015 involving school premises, or for a violation of s. 941.235, 941.236, or
4 948.605. If otherwise eligible, the juvenile is eligible for an occupational license
5 under s. 343.10.

6 **SECTION 4.** 938.78 (3) of the statutes, as affected by 2023 Wisconsin Act 10, is
7 amended to read:

8 938.78 (3) **RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES.** If a juvenile
9 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
10 of protection or services under s. 48.13 (12) or (14), 1993 stats., or s. 938.13 (12) or
11 (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats., or s. 943.23 (1g),
12 2021 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.231, 941.235, 941.236,
13 941.237, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02,
14 943.03, 943.04, 943.10 (2) (a), 943.231 (1), 943.32 (2), 948.02, 948.025, 948.03, 948.05,
15 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has
16 escaped from a juvenile correctional facility, residential care center for children and
17 youth, secured residential care center for children and youth, inpatient facility, as
18 defined in s. 51.01 (10), juvenile detention facility, or juvenile portion of a county jail,
19 or from the custody of a peace officer or a guard of such a facility, center, or jail, or
20 has been allowed to leave a juvenile correctional facility, residential care center for
21 children and youth, secured residential care center for children and youth, inpatient
22 facility, juvenile detention facility, or juvenile portion of a county jail for a specified
23 time period and is absent from the facility, center, home, or jail for more than 12 hours
24 after the expiration of the specified period, the department of corrections or county
25 department, whichever has supervision over the juvenile, may release the juvenile's

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1 name and any information about the juvenile that is necessary for the protection of
2 the public or to secure the juvenile's return to the facility, center, home, or jail. The
3 department of corrections shall promulgate rules establishing guidelines for the
4 release of the juvenile's name or information about the juvenile to the public.

5 **SECTION 5.** 939.632 (1) (e) 3. of the statutes is amended to read:

6 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
7 (2), 940.42, 940.44, 941.20 (1), 941.23, 941.231, 941.235, 941.236, or 941.38 (3).

8 **SECTION 6.** 941.235 (1) of the statutes is amended to read:

9 941.235 (1) Any person who goes armed with a firearm in any building owned
10 or leased by the state or any political subdivision of the state is guilty of a Class A
11 misdemeanor. This subsection does not apply to a building on the grounds of a
12 university or college.

13 **SECTION 7.** 941.236 of the statutes is created to read:

14 **941.236 Possessing a firearm at a university or college.** (1) Any person
15 who possesses a firearm is guilty of a Class A misdemeanor if any of the following
16 apply:

17 (a) The person is in a privately or publicly owned building on the grounds of a
18 university or college.

19 (b) The person is on the grounds of or land owned or occupied by a university
20 or college.

21 **(2)** Subsection (1) does not apply to the possession of a firearm by any of the
22 following:

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

25 (b) Armed forces or military personnel going armed in the line of duty.

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1 (c) A person who leases residential premises that are not a dormitory or part
2 of a residence hall, or who leases business premises on the grounds of the university
3 or college, if the person is in or on the premises.

4 (d) A person for use in a program approved by the university or college.

5 (e) A person in accordance with a contract entered into between the university
6 or college and the person or an employer of the person.

7 (f) A person who possesses a firearm that is not loaded and is any of the
8 following:

9 1. Encased, as defined in s. 167.31 (1) (b).

10 2. In a locked firearms rack that is on a motor vehicle.

11 **SECTION 8.** 943.13 (1m) (c) 4. of the statutes is amended to read:

12 943.13 **(1m)** (c) 4. While carrying a firearm, enters or remains in any part of
13 a building that is owned, occupied, or controlled by the state or any local
14 governmental unit, ~~excluding any building or portion of a building under s. 175.60~~
15 ~~(16) (a)~~, if the state or local governmental unit has notified the actor not to enter or
16 remain in the building while carrying a firearm or with that type of firearm. This
17 subdivision does not apply to any building or portion of a building under s. 175.60
18 (16) (a) or a privately or publicly owned building on the grounds of a university or
19 college, to a person who leases residential or business premises in the building, or,
20 if the firearm is in a vehicle driven or parked in the parking facility, to any part of
21 the building used as a parking facility.

22 **SECTION 9.** 943.13 (1m) (c) 5. of the statutes is repealed.

23 **SECTION 10.** 943.13 (2) (bm) 2. am. of the statutes is amended to read:

24 943.13 **(2)** (bm) 2. am. For the purposes of sub. (1m) (c) 2., and 4., ~~and 5.~~, an
25 owner or occupant of a part of a nonresidential building, or the state or a local

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1 governmental unit, ~~or a university or a college~~ has notified an individual not to enter
2 or remain in a part of the building while carrying a firearm or with a particular type
3 of firearm if the owner, occupant, state, or local governmental unit, ~~university, or~~
4 ~~college~~ has posted a sign that is located in a prominent place near all of the entrances
5 to the part of the building to which the restriction applies and any individual
6 entering the building can be reasonably expected to see the sign.

7 **SECTION 11.** 968.255 (1) (a) 2. of the statutes is amended to read:

8 968.255 (1) (a) 2. A person arrested for any misdemeanor under s. 167.30 (1),
9 940.19, 941.20 (1), 941.23, 941.231, 941.236, 941.237, 948.60, or 948.61.

10 **SECTION 12.** 973.137 (1) of the statutes is amended to read:

11 973.137 (1) A violation of s. 941.235 or 941.236.

12 (END)