



State of Wisconsin
2001 - 2002 LEGISLATURE

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2001 SENATE BILL 328

November 21, 2001 - Introduced by Senators WELCH, ZIEN, S. FITZGERALD and HUELSMAN, cosponsored by Representatives HUEBSCH, FREESE, VRAKAS, MUSSER, SUDER, GUNDERSON, McCORMICK, ALBERS, OTT, KRAWCZYK, OWENS, F. LASEE, LOEFFELHOLZ, STONE and LEIBHAM. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 **AN ACT** *to repeal* 947.015; *to renumber and amend* 939.648 (3) and 941.23;
2 *to amend* 165.82 (2), 227.01 (5), 301.048 (2) (am) 2., 301.048 (2) (bm) 1. a.,
3 302.11 (1), 303.065 (1) (b) 2., 304.02 (5), 304.06 (1) (b), 304.071 (2), 440.26 (3m),
4 895.035 (4a) (a) 2., 939.30 (1), 939.30 (2), 939.31, 939.32 (1) (a), 939.60, 939.62
5 (2m) (c), 939.624 (2), 939.625 (1) (b) 2., 939.63 (1) (a) 2., 939.648 (2) (b) 1.,
6 939.648 (2) (c), 941.235 (2), 946.47 (1) (intro.), 946.82 (4), 969.08 (10) (b), 971.17
7 (1), 972.03, 972.13 (6), 973.01 (3), 973.032 (2) (b) and 973.09 (1) (c); and *to*
8 **create** 20.455 (2) (gp), 59.25 (3) (u), 85.57, 167.31 (4) (ar), 175.50, 301.046 (3)
9 (cm), 302.11 (1w), 304.06 (1t), 939.22 (7), 939.22 (18m), 939.648 (3) (b), 939.648
10 (3m), 941.23 (2), 941.237 (3) (cg), 941.295 (2) (bm), 946.32 (3), 946.47 (1m),
11 947.07, 947.08, 947.09, 947.10, 948.605 (2) (b) 4m., 961.335 (1m), 967.02 (1m),
12 973.0145, 973.016 and 973.017 of the statutes; **relating to:** certain felonies
13 committed with intent to terrorize, threats to use weapons of mass destruction,
14 threats to commit acts of terrorism, supporting acts of terrorism, harboring a

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1 terrorist, a sentence of death or life imprisonment for certain first-degree
2 intentional homicides, licenses to carry a concealed weapon, possession of
3 firearms in certain places, providing an exemption from emergency rule
4 procedures, requiring the exercise of rule-making authority, and making an
5 appropriation and providing penalties.

Analysis by the Legislative Reference Bureau***Terrorism penalty enhancer***

Current law authorizes increased penalties for certain felonies (crimes punishable by incarceration in prison) that are committed with intent to terrorize. The penalty enhancer is applicable to felonies committed under one of the following circumstances (terrorism offenses): 1) the felony results in bodily harm or death to another; 2) the felony results in damage of \$25,000 or more to the property of another; or 3) the felony involves the use of force or violence or the threat of force or violence. A person has intent to terrorize if he or she has intent to influence the policy of a governmental unit or to punish a governmental unit for a prior policy decision. If a person is convicted of a felony and the terrorism enhancer is found to apply, the maximum fine for the underlying felony may be increased by up to \$50,000, and the maximum term of imprisonment for the underlying felony may be increased by up to ten years.

This bill expands intent to terrorize to include intent to affect the conduct of a governmental unit by homicide or kidnapping and to include intent to intimidate or coerce a civilian population. The bill also modifies intent to influence the policy of a governmental unit to require that the actor intend to influence by intimidation or coercion. The bill specifies that the terrorism penalty enhancer applies to a felony if the perpetrator causes bodily harm or death to another while in immediate flight after committing the felony. The bill also authorizes a sentence of death for first-degree intentional homicide with intent to terrorize, if the person who commits the homicide is at least 18 years of age.

Threat crimes

Under current law, it is a Class E felony to intentionally make a false threat or convey false information concerning an attempt or alleged attempt to destroy property by means of explosives. (The maximum penalties for classified felonies are listed below.)

This bill repeals the crime concerning false threats to use explosives and creates a new Class E felony that prohibits a person from intentionally threatening to use a destructive device or harmful substance to harm another or destroy property. A "destructive device" is defined as a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or a similar explosive device. A "harmful

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substance” is defined as radioactive material that is dangerous to human life, a toxic or poisonous chemical, the precursor of a toxic or poisonous chemical, or a disease organism.

The bill also makes it a Class D felony to threaten, with intent to terrorize, to commit a terrorism offense, if the threat induces a reasonable expectation or fear that the offense will be committed.

Soliciting or supporting terrorism

Under current law, a person who intends that a felony be committed and who advises another to commit that crime under circumstances that indicate unequivocally that he or she has the intent is guilty of the crime of solicitation. Solicitation is generally a Class D felony. However, if the crime that the person advises another to commit is punishable by life imprisonment, the penalty for solicitation is a Class C felony. If the underlying crime is a Class E felony, solicitation of that crime is also a Class E felony.

Also under current law, a person who intends that a crime be committed and agrees or combines with another for the purpose of committing that crime is guilty of conspiracy to commit the crime, if one or more of the parties to the conspiracy does an act to effect its object. The penalty for conspiracy is the same as the penalty for the completed crime, except that conspiracy to commit a crime punishable by life imprisonment is a Class B felony.

The bill clarifies that the crime of solicitation applies to solicitation of an act of terrorism regardless of whether the solicited act is to be committed in this state, as long as the act would be a crime if committed in this state. The penalties for advising another to commit a terrorism offense outside Wisconsin are the same as the penalties for the crime of solicitation.

This bill also makes it a crime to provide, ask another to provide, or collect material support or resources with the intent that the support or resources be used to plan, commit, conceal, or flee a terrorism offense or an act that would be a terrorism offense if committed in this state, if the person providing, requesting, or collecting material support or resources intends that the offense or act terrorize. If the material support or resources are valued at not more than \$1,000, the crime is a Class D felony. If the material support or resources are valued at more than \$1,000, the crime is a Class C felony.

Harboring a terrorist

Under current law, it is a Class E felony for a person who intends to prevent the apprehension of a felon to harbor or aid that felon, and for a person who intends to prevent the apprehension, prosecution, or conviction of a felon to destroy, alter, hide or disguise physical evidence or to place false evidence.

This bill makes it a Class C felony to commit the crime of harboring or aiding a felon, if the felon, with intent to terrorize, committed a terrorism offense or an act outside this state that would be a terrorism offense if committed in this state. If the terrorism offense or act resulted in the death of another, the person who harbors or aids the felony is guilty of a Class BC felony.

SENATE BILL 328***Penalties for classified felonies***

The maximum penalties for classified felonies are a fine not to exceed \$10,000 or imprisonment for the following number of years or both (a term of imprisonment consists of a term of confinement in prison followed by a term of extended supervision):

Felony Classification	Maximum Term of Imprisonment
Class B	60 years
Class BC	30 years
Class C	15 years
Class D	10 years
Class E	5 years

Capital punishment

Currently, no Wisconsin crimes are punishable by death. First-degree homicide is punishable by life imprisonment. The bill makes commission of a first-degree homicide by a person who is 18 years of age or older and who has intent to terrorize punishable by death or life imprisonment.

Under the bill, if a person is convicted of committing first-degree homicide with intent to terrorize, the trial court convenes a separate sentencing hearing at which the defendant is entitled to a jury. If the defendant elects to have a jury at sentencing, the trial jury will serve unless there was no trial jury or if the jury is found to lack impartiality with respect to sentencing. If necessary, the court will assemble a new jury for sentencing.

At a sentencing hearing, the defense may present evidence relevant to mitigation of the defendant's crime. The prosecution may rebut evidence presented by the defense. Relevant mitigating circumstances include the following:

1. The defendant has no significant history of prior criminal convictions involving the use of violence against another person.

2. The defendant was mentally retarded at the time of the crime, or the defendant's mental capacity was impaired or his or her ability to conform his or her conduct to the requirement of law was impaired, although not so impaired as to constitute a defense to prosecution.

3. The defendant was under duress or under the domination of another person, although not such duress or domination as to constitute a defense to prosecution.

4. The defendant was criminally liable for the present offense of murder committed by another, but his or her participation in the offense was relatively minor, although not so minor as to constitute a defense to prosecution.

5. The homicide was committed while the defendant was mentally or emotionally disturbed or under the influence of alcohol or any drug, although not to such an extent as to constitute a defense to prosecution.

6. Any other circumstance concerning the crime, the defendant's state of mind or condition at the time of the crime, or the defendant's character, background, or record that would be relevant to mitigation or punishment for the crime.

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If there is a jury, the court must instruct the jury prior to its deliberations that the jury's sentencing determination must be unanimous or the court will not accept it. The court must further instruct the jury that if the jury does not agree on a sentence the court will sentence the defendant to life imprisonment and that under a sentence of life imprisonment the defendant will serve a minimum of 20 years in prison and that the judge will determine as part of the sentence whether the defendant will be eligible for release to extended supervision, and if so at what time after 20 years. Finally, upon motion from any party, the court must inform the jury whether the defendant is a repeat offender who is barred from ever being released to extended supervision.

If the jury unanimously determines that the defendant should be sentenced to death, the court must sentence the defendant to death. If the jury unanimously determines that the defendant should be sentenced to life imprisonment, or if the jury cannot agree on a sentence, the judge must sentence the defendant to life imprisonment and make a determination regarding the defendant's eligibility to petition for release to extended supervision, unless the defendant is permanently barred from release to extended supervision. If there is no jury, the court must review the evidence of mitigation and determine whether to sentence the defendant to death or to life imprisonment.

If after the finding of guilt and before sentencing the defendant files a motion alleging that he or she is mentally retarded and shows cause to believe that he or she is mentally retarded, the court must hold a hearing on the issue of mental retardation unless the defendant is being sentenced for a crime committed while the defendant was incarcerated under a criminal sentence. Under the bill, "mentally retarded" means having significantly subaverage general intellectual functioning that exists concurrently with deficits in adaptive behavior which were manifested before the age of 18 years. The court will withhold determination in the hearing on mental retardation until the sentence is determined. If the defendant is sentenced to death and the court finds that the defendant is mentally retarded, the court must set aside the sentence of death and instead sentence the defendant to life imprisonment. If the defendant is sentenced to life imprisonment, the court will not make a determination regarding mental retardation.

The court that imposes the death sentence sets the execution date. The secretary of corrections designates the executioner and at least 12 witnesses. The execution is by lethal injection. A death sentence may be stayed only by the governor or an appellate court.

Licenses to carry concealed weapons

Currently, no person other than a peace officer may carry a concealed and dangerous weapon. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both.

In addition, current law prohibits being armed with a firearm while in a public building, in or on the grounds of a school, or within 1,000 feet of the grounds of a school. Current law also prohibits going armed with a handgun on any premises (such as a tavern) that has a license or permit to sell alcohol beverages for consumption on those premises. A person who violates these prohibitions may be

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fined not more than \$10,000 or imprisoned for not more than nine months or both, except that a person who goes armed in a public building may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. Finally, current law prohibits the possession or transportation of a loaded or unencased firearm in or on a motorboat (if the motor is running), a vehicle, or an aircraft. A person who violates the prohibition relating to the possession or transportation of a firearm in or on a motorboat or a vehicle may be required to forfeit not more than \$100. A person who violates the prohibition relating to possession or transportation of a firearm in or on an aircraft may be fined not more than \$1,000 or imprisoned not more than 90 days or both.

Certain exceptions apply to each of the prohibitions relating to possessing or transporting firearms in specific places (firearm restriction areas) described in the preceding paragraph. Through these exceptions, peace officers are generally not subject to any of those prohibitions.

This bill creates a procedure by which certain persons may apply to a county sheriff for a license to carry a concealed weapon. Such a license authorizes a person to carry a concealed weapon anywhere in this state except in places in which the carrying of a weapon is prohibited by federal law. A person holding a valid license to carry a concealed weapon is also exempt from the prohibitions relating to possessing or transporting a firearm in a firearm restriction area in the same way as a peace officer. A licensee carrying a concealed weapon anywhere or possessing or transporting a weapon in a firearm restriction area must carry the license document while carrying, possessing, or transporting the weapon and must present it upon request of a law enforcement officer.

Under the bill, a county sheriff must authorize the issuance of a license to carry a concealed weapon to a person who meets the qualifications established in the bill for the license. Those qualifications require that the person be one of the following: 1) someone who is employed and who has undergone weapons training as a condition of his or her employment; 2) a retired law enforcement officer; 3) a member of the U.S. armed forces; or 4) a member of a reserve component of the U.S. armed forces or a national guard member who has been called into active service. Moreover, the person must be eligible to possess a firearm under federal law and may not be prohibited from possessing a firearm due to a felony conviction, a juvenile delinquency adjudication, an order issued in a civil mental commitment case, or any other order prohibiting the person from possessing a firearm. In addition, the bill requires a sheriff 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 currently employed and has been trained to use a firearm as a condition of his or her current employment.

If the person meets these requirements and the background check does not indicate the person is ineligible for a license, the sheriff must inform the department of transportation (DOT) that the person is eligible for a license. Upon receiving this notification, DOT is required to issue the person a license document. Once issued,

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the license remains valid until the person's circumstances change such that he or she no longer meets the requirements for obtaining a license.

In addition, the bill does all of the following:

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

2. Requires a person to whom a license has been issued to surrender the license document to the sheriff upon being notified of a revocation or upon becoming ineligible for a license.

3. Provides that a person whose application for a license is denied or whose license is revoked may appeal the sheriff's or DOT's action to circuit court for review by a judge.

4. Specifies the information that must be on an application for a license to carry a concealed weapon and requires the department of justice (DOJ) to design the license application forms.

5. Specifies the information that must be on a license to carry a concealed weapon.

6. Requires DOJ to adopt rules to verify the information provided by a person applying for a license based on his or her employment and to ensure that no one other than a person who has successfully applied for a license may obtain that person's license document from DOT.

7. Requires the sheriff and DOT to provide information to DOJ concerning a person licensed to carry a concealed weapon and requires DOJ to keep a computerized list of persons licensed to carry a concealed weapon. The list kept by DOJ is available only to law enforcement agencies in certain specified circumstances.

The bill also establishes the following penalties for offenses relating to licenses to carry a concealed weapon. First, a person who fails to carry his or her license document while carrying a concealed weapon or while possessing or transporting a firearm in a firearm restriction area may be required to forfeit \$25. Second, a person who does any of the following shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than nine months: 1) intentionally makes a false statement in an application for a license; or 2) intentionally attempts to obtain from DOT a license document that he or she is not entitled to receive. Third, any person who intentionally fails to relinquish a license document to a sheriff within 30 days after the license has been revoked or within 30 days after losing his or her eligibility for the license may be fined not more than \$500 or imprisoned for not more than 30 days or both.

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.** 20.455 (2) (gp) of the statutes is created to read:

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1 20.455 (2) (gp) *Concealed weapons licenses background check.* All moneys
2 received as fee payments under s. 175.50 (7) (bh) to provide services under s. 175.50.

3 **SECTION 2.** 59.25 (3) (u) of the statutes is created to read:

4 59.25 (3) (u) 1. Forward all moneys received under s. 175.50 (7) (bh) to the state
5 treasurer for payment of firearms restrictions record searches conducted under s.
6 175.50 (9g) at the request of the county's sheriff.

7 **SECTION 3.** 85.57 of the statutes is created to read:

8 **85.57 Concealed weapons licenses. (1) DESIGN REQUIREMENTS.** (a) In
9 consultation with the department of justice, the department of transportation shall
10 design a license document for use in each case in which it is authorized by a sheriff
11 under s. 175.50 (9) (b) 1. to issue a license to carry a concealed weapon. The
12 department of transportation shall complete the design of the license document no
13 later than the 30th day beginning after the effective date of this paragraph
14 [revisor inserts date].

15 (b) A license document for a license issued under sub. (2) shall be a single
16 document, with all of the following information appearing on one side:

- 17 1. The full name, date of birth, and residence address of the licensee.
- 18 2. A color photograph of the licensee taken by the department.
- 19 3. A physical description of the licensee, including gender, height, weight, and
20 hair and eye color.
- 21 4. The date on which the license was issued.
- 22 5. The name of this state.
- 23 6. The name of the county in which the the license was issued.
- 24 7. A unique identification number for each licensee. The identification number
25 shall begin with a code number prefix designating the county listed in subd. 6.

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1 (c) A license document issued under this section shall be, to the maximum
2 extent possible, tamper proof and shall be produced using the same or similar
3 equipment used by the department to produce an operator's license under s. 343.17.

4 **(2) ISSUANCE OF LICENSE DOCUMENT.** The department shall issue an individual
5 a license to carry a concealed weapon upon receiving from a sheriff written
6 authorization under s. 175.50 (9) (b) 1. for the issuance of a license to that individual
7 and after verifying the individual's identity, using the procedures established by rule
8 by the department of justice.

9 **(3) LICENSEE INFORMATION.** (a) The department shall maintain a computerized
10 record containing the information specified in sub. (1) (b) 1. and 3. to 7. for all
11 individuals who have been issued a license under this section.

12 (b) Within 5 days after issuing a license under this section, the department
13 shall notify the department of justice that it has done so and shall provide the
14 department of justice with the information specified in sub. (1) (b) 1. and 3. to 7.
15 concerning the individual to whom the license was issued.

16 (c) Records created or kept under this section by the department are not subject
17 to access under s. 19.35.

18 **(4) NO FEE.** Except as provided in sub. (5), the department may not charge a
19 fee for any license it issues under this section.

20 **(5) LOST OR DESTROYED LICENSE.** The department shall issue an individual a new
21 license document upon receiving from a sheriff written authorization under s. 175.50
22 (13) for the reissuance of the individual's license, after verifying the individual's
23 identity, using the procedures established by rule by the department of justice, and
24 upon receiving a fee of \$15 from the individual.

SENATE BILL 328**SECTION 3**

1 **(6) APPEALS.** A person aggrieved by any act or failure to act by the department
2 under this section may appeal under s. 175.50 (14m).

3 **SECTION 4.** 165.82 (2) of the statutes is amended to read:

4 165.82 **(2)** Except as provided in s. ss. 175.35 and 175.50, the department of
5 justice shall not impose fees for criminal history searches for purposes related to
6 criminal justice.

7 **SECTION 5.** 167.31 (4) (ar) of the statutes is created to read:

8 167.31 **(4)** (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply
9 to the placement, possession, transportation, or loading of a firearm by a person who
10 holds a valid license to carry a concealed weapon issued under s. 85.57.

11 **SECTION 6.** 175.50 of the statutes is created to read:

12 **175.50 License to carry concealed weapon. (1) DEFINITIONS.** In this
13 section:

14 (a) "Applicant" means an individual seeking authorization from a sheriff under
15 this section for the issuance of a license to carry a concealed weapon under s. 85.57.

16 (b) Except as provided in sub. (14m), "department" means the department of
17 justice.

18 (c) "Firearm restriction area" means a motorboat, as defined in s. 30.50 (6), if
19 the motor is running, a vehicle, as defined in s. 167.31 (1) (h), an aircraft, as defined
20 in s. 114.002 (3), or a place described in s. 941.235 (1), 941.237 (2), or 948.60 (2) (a).

21 (d) "Firearms restrictions record search" has the meaning given in s. 175.35 (1)
22 (at).

23 (e) "Law enforcement officer" means a person who is employed by the federal
24 government, any state, a political subdivision of any state, or a tribe for the purpose
25 of detecting and preventing crime and enforcing laws, ordinances, rules, and

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1 regulations and who is authorized to make arrests for violations of the laws,
2 ordinances, rules, and regulations that he or she is employed to enforce.

3 (f) "License document" means a license document issued by the department of
4 transportation under s. 85.57.

5 (g) "Licensee" means an individual holding a valid license to carry a concealed
6 weapon issued under s. 85.57.

7 (h) "Weapon" means a handgun, as defined in s. 175.35 (1) (b), an electric
8 weapon, as defined in s. 941.295 (4), a tear gas gun, a knife other than a switchblade
9 knife under s. 941.24, or a billy club. "Weapon" does not include a machine gun, as
10 defined in s. 941.27 (1), a short-barreled rifle, as defined in s. 941.28 (1) (b), or a
11 short-barreled shotgun, as defined in s. 941.28 (1) (c).

12 **(2) ISSUANCE OF LICENSE.** Each county, through its sheriff, shall authorize the
13 department of transportation to issue licenses to carry a concealed weapon under s.
14 85.57 to individuals who meet the qualifications specified in sub. (3) and who
15 complete the application process specified in sub. (7).

16 **(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE OR**
17 **AUTHORIZATION.** (a) A licensee may carry a concealed weapon anywhere in this state
18 except as provided under sub. (16). This paragraph does not apply to a licensee who
19 is on duty as a person described in sub. (3) (c) 3. or 4. if the licensee's command
20 authority has not authorized him or her to carry a concealed weapon while on duty.

21 (b) A licensee shall carry his or her license document at all times during which
22 he or she is carrying a concealed weapon or carrying a weapon in a firearm restriction
23 area. If he or she is carrying a concealed weapon or carrying a weapon in a firearm
24 restriction area, a licensee shall display his or her license document to a law
25 enforcement officer upon the request of the law enforcement officer.

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1 (c) Neither the state nor a political subdivision of the state may deny
2 employment to a licensee or discipline or discharge a licensee employed by the state
3 or the political subdivision based on the licensee's possession of a concealed weapon
4 consistent with the requirements of this section other than during his or her working
5 hours or based on the licensee's status as a licensee.

6 **(3) QUALIFICATIONS A PERSON MUST HAVE TO GET A LICENSE.** An individual is
7 eligible for a license issued under s. 85.57 if all of the following apply:

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

10 (b) The individual is not prohibited from possessing a firearm under s. 941.29.

11 (c) The individual is one of the following:

12 1. A person who is employed and who has undergone weapons training as a
13 condition of his or her employment.

14 2. A retired law enforcement officer.

15 3. A member of the U.S. armed forces other than one of its reserve components.

16 4. A member of a reserve component of the U.S. armed forces or a national
17 guard member who has been called into active service.

18 **(5) APPLICATION FORMS.** The department shall design an application form for
19 use by individuals requesting that the sheriff authorize the issuance of a license
20 under s. 85.57. The department shall complete the design of the application form no
21 later than the 30th day beginning after the effective date of this subsection
22 [revisor inserts date], and shall distribute the design for the form to all sheriffs for
23 use in making the application forms described in this section. The form designed by
24 the department under this subsection shall require the applicant to provide his or

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1 her name, address, date of birth, race, gender, height, weight, and hair and eye color
2 and shall include all of the following:

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

5 (h) A statement that the application is being made under oath and that an
6 applicant may be prosecuted if he or she gives a false answer to any question on the
7 application or submits a falsified document with the application.

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

10 **(6) OATH.** An applicant shall swear under oath that the information that he or
11 she provides in an application submitted under sub. (7) and any document submitted
12 with the application is true and complete to the best of his or her knowledge.

13 **(7) SUBMISSION OF APPLICATION.** An applicant may apply with any sheriff and
14 shall submit all of the following to the sheriff to whom he or she is applying:

15 (a) An application in the form prescribed under sub. (5) that has been sworn
16 to as required under sub. (6).

17 (bh) The fee for a firearms restrictions record search specified in sub. (9g) (c).

18 (c) A fingerprint card bearing an index finger fingerprint of the applicant taken
19 by the sheriff to whom the application is submitted.

20 **(8) FINGERPRINTING BY SHERIFF.** A sheriff shall provide fingerprinting service
21 at no additional charge to an applicant.

22 **(9) PROCESSING OF APPLICATION.** (a) On receiving an application submitted
23 under sub. (7), a sheriff shall do all of the following:

24 1. Using procedures established by rule by the department, the sheriff shall
25 verify that the applicant meets the requirements of sub. (3) (c).

SENATE BILL 328**SECTION 6**

1 1m. Submit the fingerprint card of the applicant to the department for
2 submission to the federal bureau of investigation or the automated fingerprint
3 identification system for the purposes of verifying the identity of the person
4 fingerprinted and obtaining his or her criminal arrest and conviction record. If the
5 applicant's fingerprint card is not sufficiently legible for the federal bureau of
6 investigation to use in verifying the applicant's identity and obtaining his or her
7 arrest or conviction record, the applicant shall submit an additional fingerprint card.

8 2. Request the department to conduct a firearms restrictions record search, as
9 provided under sub. (9g).

10 (b) Subject to par. (c), within 21 days after receiving an application under sub.
11 (7), a sheriff shall do one of the following:

12 1. Authorize the department of transportation in writing to issue a license to
13 carry a concealed weapon under s. 85.57.

14 2. Deny the application if the applicant fails to qualify under the criteria
15 specified in sub. (3). If the sheriff denies the application, he or she shall inform the
16 applicant in writing, stating the ground for denial.

17 (c) A sheriff may not authorize the department of transportation to issue a
18 license under par. (b) 1. until 7 days, subject to extension under sub. (9g) (b) 3. c., have
19 elapsed from the time that the sheriff has received a confirmation number regarding
20 the firearms restrictions record search under sub. (9g) (b) 1. from the department,
21 unless the department has notified the sheriff that its search does not indicate that
22 the applicant does not qualify for a license under sub. (3) (a) or (b).

23 **(9g) FIREARMS RESTRICTIONS RECORD SEARCHES.** (a) A sheriff shall request the
24 department to conduct a firearms restrictions record search by calling the
25 department, using a toll-free telephone number provided by the department, and

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1 providing the department with the name, date of birth, gender, and race of the
2 applicant.

3 (b) On receiving a request under par. (a), the department shall conduct a
4 firearms restrictions record search using the following procedure:

5 1. The department shall provide the sheriff with a confirmation number
6 confirming the receipt of the information under par. (a).

7 2. The department shall conduct the firearms restrictions record search
8 regarding the applicant. In conducting a search under this subdivision, the
9 department shall use the transaction information for management of enforcement
10 system and the national crime information center system.

11 3. The department shall notify the sheriff, either during the initial telephone
12 call or as soon thereafter as practicable, of the results of the firearms restrictions
13 record search as follows:

14 a. If the search indicates that the applicant does not qualify for a license under
15 sub. (3) (a) or (b), the department shall provide the sheriff with a unique nonapproval
16 number. The department shall disclose to the sheriff the reason the applicant does
17 not qualify for a license under sub. (3) (a) or (b).

18 b. If the search does not indicate that the applicant does not qualify for a license
19 under sub. (3) (a) or (b), the department shall provide the sheriff with a unique
20 approval number.

21 c. If the search indicates a criminal charge without a recorded disposition, the
22 deadline under sub. (9) (c) is extended to the end of the 3rd complete working day
23 commencing after the day on which the department learns of that charge. The
24 department shall notify the sheriff of the extension as soon as practicable. During
25 the extended period, the department shall make every reasonable effort to determine

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1 the disposition of the charge and notify the sheriff of the results as soon as
2 practicable.

3 (c) The department shall charge a sheriff a fee of \$8 for each firearms
4 restrictions record search that the sheriff requests under par. (a). The sheriff shall
5 collect the fee from the applicant.

6 (d) A sheriff shall maintain the original record of all completed application
7 forms and a record of all confirmation numbers and corresponding approval or
8 nonapproval numbers that he or she receives regarding firearms restrictions record
9 searches under this subsection. The sheriff shall mail a duplicate copy of each
10 completed application form to the department.

11 (e) 1. The department shall check each duplicate application form received
12 under par. (d) against the information recorded by the department regarding the
13 corresponding request for a firearms restrictions record search under this
14 subsection. If the department previously provided a unique approval number
15 regarding the request and nothing in the duplicate completed application form
16 indicates that the applicant does not qualify for a license under sub. (3) (a) or (b), the
17 department shall, except as provided in subd. 2., destroy all records regarding that
18 firearms restrictions record search within 30 days after receiving the duplicate form.
19 If the department previously provided a unique approval number regarding the
20 request and the duplicate completed application form indicates that the applicant
21 does not qualify for a license under sub. (3) (a) or (b), the department shall
22 immediately notify the sheriff who authorized the issuance of the license, and the
23 sheriff shall revoke the license.

24 2. The department may maintain records necessary to administer this
25 subsection and, for a period of not more than 3 years after the department issues a

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1 unique approval number, a log of dates of requests for firearms restrictions record
2 searches under this subsection together with confirmation numbers and unique
3 approval and nonapproval numbers corresponding to those dates.

4 **(10) EXEMPTION FROM BACKGROUND CHECK.** Notwithstanding sub. (9) (a), a
5 sheriff shall authorize the department of transportation to issue a license under s.
6 85.57 to any individual who is currently employed and who has undergone weapons
7 training as a condition of his or her employment without requesting the background
8 checks required under sub. (9) (a) upon verifying, using procedures established by
9 rule by the department, the truthfulness of the information provided by the
10 individual regarding his or her employment and weapons training.

11 **(10q) RULES REGARDING VERIFYING EMPLOYMENT AND IDENTITY.** (a) The
12 department shall promulgate rules establishing procedures for sheriffs to use in
13 verifying that an applicant meets the requirements of sub. (3) (c) or is an individual
14 described in sub. (10).

15 (b) In consultation with the department of transportation, the department of
16 justice shall promulgate rules establishing procedures for the department of
17 transportation to use in verifying the identity of a person requesting the issuance of
18 a license to carry a concealed weapon under s. 85.57.

19 **(11) LICENSEE INFORMATION.** (a) A sheriff who authorizes the department of
20 transportation to issue an individual a license to carry a concealed weapon under s.
21 85.57 shall, within 5 days after notifying the department of transportation of that
22 authorization, notify the department of justice of the authorization and provide the
23 department of justice with the information required on the form under sub. (5)
24 (intro.) concerning the individual.

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1 (am) The department shall maintain a computerized record listing the names
2 of all individuals whose applications under this section have been approved or who
3 have been issued a license under s. 85.57 along with the information concerning each
4 individual that is provided to the department by a sheriff under par. (a) or by the
5 department of transportation under s. 85.57 (3) (b).

6 (c) The department and any sheriff shall provide information concerning a
7 specific licensee to a law enforcement agency if the law enforcement agency is
8 requesting the information for any of the following purposes:

9 1. To confirm that a license produced by an individual at the request of a law
10 enforcement officer is valid.

11 2. To confirm that the individual holds a valid license under this section, if the
12 individual is carrying a concealed weapon but is not carrying a license issued under
13 this section and claims to hold a valid license issued under this section.

14 3. To investigate whether an individual intentionally falsely swore under sub.
15 (6).

16 **(12) UPDATED INFORMATION.** No later than 30 days after changing his or her
17 address, a licensee shall inform the sheriff of the county that issued the license of his
18 or her new address. The sheriff shall provide the individual's new address to the
19 department for inclusion in the list under sub. (11) (am).

20 **(13) LOST OR DESTROYED LICENSE.** Upon losing his or her license or if his or her
21 license is destroyed, a licensee may submit to the sheriff of the county that issued the
22 license a notarized statement that his or her license has been lost or destroyed. The
23 sheriff shall authorize the department of transportation to reissue the license under
24 s. 85.57 (5) upon receiving the notarized statement.

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1 **(14)** LICENSE REVOCATION. (a) A sheriff shall revoke a license that the
2 department of transportation issued under s. 85.57 if the licensee no longer meets
3 all of the criteria specified in sub. (3).

4 (b) If a sheriff revokes a license under this section, the revocation shall take
5 effect immediately. Upon revoking an individual's license, the sheriff shall send the
6 individual notice of the revocation by certified mail within one day after the
7 revocation or suspension.

8 (c) Within 30 days after receiving a notice under par. (b), an individual whose
9 license has been revoked shall deliver the license document personally or by certified
10 mail to the sheriff. If a licensee becomes ineligible to possess a concealed weapon
11 because he or she no longer meets the requirements of sub. (3) but does not receive
12 a notice under par. (b), he or she shall, within 30 days after becoming ineligible,
13 deliver the license document personally or by certified mail to the sheriff.

14 **(14m)** APPEALS. (a) In this subsection:

15 1. "Action," with respect to a sheriff, means any refusal by the sheriff to
16 authorize the department to issue a license under s. 85.57 or any revocation by the
17 sheriff of a license issued under s. 85.57. "Action," with respect to the department,
18 means any act or failure to act by the department.

19 2. "Department" means the department of transportation.

20 (am) A person aggrieved by any action by a sheriff under this section may
21 appeal directly to the circuit court of the sheriff's county. A person aggrieved by any
22 action of the department under s. 85.57 may appeal directly to the circuit court of the
23 county in which the relevant department office is located.

24 (b) To begin an appeal under this subsection, the aggrieved person shall file a
25 petition for review with the clerk of the applicable circuit court within 30 days after

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1 the date of the sheriff's or the department's action or, if applicable, within 30 days
2 after the date of the notice provided to the person under sub. (9) (b) 2. The petition
3 shall state the substance of the sheriff's or the department's action that the person
4 is appealing from and the grounds upon which the person believes the sheriff's or the
5 department's action to be improper. The petition may include a copy of any records
6 or documents that are relevant to the grounds upon which the person believes the
7 sheriff's or the department's action to be improper.

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

11 (d) The sheriff or the department shall file an answer within 15 days after being
12 served with the petition under par. (c). The answer shall include a brief statement
13 of the actions taken by the sheriff or the department, and a copy of any documents
14 or records on which the sheriff or the department based his or her action shall be
15 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 sheriff
21 or the department the court may take testimony that the court determines is
22 appropriate.

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

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1 1. That the sheriff or the department failed to follow procedure prescribed
2 under this section.

3 2. That the sheriff or the department erroneously interpreted a provision of law
4 and a correct interpretation compels a different action.

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

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

9 **(15) DURATION OF LICENSE.** (a) Except as provided in par. (b), a license issued
10 under s. 85.57 is permanent unless the license is revoked under sub. (9g) (e) 1. or (14).

11 (b) A license issued under s. 85.57 is void if the individual to whom the license
12 was issued does not meet the requirements of sub. (3).

13 **(16) PROHIBITED ACTIVITY.** A licensee may not carry a concealed weapon in a
14 place in which the carrying of a weapon is prohibited by federal law.

15 **(17) PENALTIES.** (a) A licensee who violates sub. (2g) (b) may be required to
16 forfeit not more than \$25.

17 (b) Any person who intentionally falsely swears under sub. (6) shall be fined
18 not less than \$500 nor more than \$10,000 and may be imprisoned for not more than
19 9 months.

20 (c) Any person who intentionally violates the requirements of sub. (14) (c) may
21 be fined not more than \$500 or imprisoned for not more than 30 days or both.

22 **(18) ACCESS TO RECORDS.** Records created or kept under this section by the
23 department or a sheriff are not subject to access under s. 19.35.

24 **SECTION 7.** 227.01 (5) of the statutes is amended to read:

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1 227.01 (5) "License" includes all or any part of an agency permit, certificate,
2 approval, registration, charter or similar form of permission required by law, except
3 a motor vehicle operator's license issued under ch. 343, a vehicle registration
4 certificate issued under ch. 341, a license required primarily for revenue purposes,
5 a hunting or fishing approval or a similar license where issuance is merely a
6 ministerial act, a license to carry a concealed weapon issued under s. 85.57, or an
7 authorization under s. 175.50 for the issuance of a license to carry a concealed
8 weapon.

9 **SECTION 8.** 301.046 (3) (cm) of the statutes is created to read:

10 301.046 (3) (cm) The prisoner is not awaiting execution under a death sentence.

11 **SECTION 9.** 301.048 (2) (am) 2. of the statutes is amended to read:

12 301.048 (2) (am) 2. He or she is a prisoner serving a ~~felony~~ sentence for a felony
13 that is not punishable by death or life imprisonment and the department directs him
14 or her to participate in the program. This subdivision does not apply to a prisoner
15 serving a bifurcated sentence imposed under s. 973.01.

16 **SECTION 10.** 301.048 (2) (bm) 1. a. of the statutes is amended to read:

17 301.048 (2) (bm) 1. a. A crime specified in s. 940.01, 940.02, 940.03, 940.05,
18 940.06, 940.08, 940.09, 940.10, 940.19 (3), (4), or (5), 940.195 (3), (4), or (5), 940.20,
19 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2., 940.29,
20 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20
21 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04,
22 943.06, 943.10 (2), 943.23 (1g), (1m), or (1r), 943.30, 943.32, 946.43, ~~947.015~~ 947.07,
23 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08, or 948.30.

24 **SECTION 11.** 302.11 (1) of the statutes is amended to read:

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1 302.11 (1) The warden or superintendent shall keep a record of the conduct of
2 each inmate, specifying each infraction of the rules. Except as provided in subs. (1g),
3 (1m), (1q), (1w), (1z), (7), and (10), each inmate is entitled to mandatory release on
4 parole by the department. The mandatory release date is established at two-thirds
5 of the sentence. Any calculations under this subsection or sub. (1q) (b) or (2) (b)
6 resulting in fractions of a day shall be rounded in the inmate's favor to a whole day.

7 **SECTION 12.** 302.11 (1w) of the statutes is created to read:

8 302.11 (1w) An inmate awaiting execution under a death sentence is not
9 entitled to mandatory release on parole under this section.

10 **SECTION 13.** 303.065 (1) (b) 2. of the statutes is amended to read:

11 303.065 (1) (b) 2. A person serving a life sentence under s. 939.62 (2m) (c) or
12 973.014 (1) (c) or (1g) (a) 3., or awaiting execution under a death sentence, may not
13 be considered for work release.

14 **SECTION 14.** 304.02 (5) of the statutes is amended to read:

15 304.02 (5) Notwithstanding subs. (1) to (3), a prisoner who is serving a life
16 sentence under s. 939.62 (2m) (c) or 973.014 (1) (c) or (1g), or who is awaiting
17 execution under a death sentence, is not eligible for release to parole supervision
18 under this section.

19 **SECTION 15.** 304.06 (1) (b) of the statutes is amended to read:

20 304.06 (1) (b) Except as provided in sub. (1m) or (1t) or s. 302.045 (3), 961.49
21 (2), 973.01 (6), or 973.0135, the parole commission may parole an inmate of the
22 Wisconsin state prisons or any felon or any person serving at least one year or more
23 in a county house of correction or a county reforestation camp organized under s.
24 303.07, when he or she has served 25% of the sentence imposed for the offense, or 6
25 months, whichever is greater. Except as provided in s. 939.62 (2m) (c) or 973.014 (1)

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1 (b) or (c), (1g), or (2), the parole commission may parole an inmate serving a life term
2 when he or she has served 20 years, as modified by the formula under s. 302.11 (1)
3 and subject to extension under s. 302.11 (1q) and (2), if applicable. The person
4 serving the life term shall be given credit for time served prior to sentencing under
5 s. 973.155, including good time under s. 973.155 (4). The secretary may grant special
6 action parole releases under s. 304.02. The department or the parole commission
7 shall not provide any convicted offender or other person sentenced to the
8 department's custody any parole eligibility or evaluation until the person has been
9 confined at least 60 days following sentencing.

10 **SECTION 16.** 304.06 (1t) of the statutes is created to read:

11 304.06 (1t) The parole commission may not parole an inmate who is sentenced
12 to death under s. 973.0145.

13 **SECTION 17.** 304.071 (2) of the statutes is amended to read:

14 304.071 (2) If a prisoner is ~~not eligible~~ ineligible for parole under s. 304.06 (1t),
15 939.62 (2m) (c), 961.49 (2), 973.01 (6), 973.014 (1) (c) or (1g), or 973.032 (5), he or she
16 is not eligible for parole under this section.

17 **SECTION 18.** 440.26 (3m) of the statutes is amended to read:

18 440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS. The department shall
19 promulgate rules relating to the carrying of dangerous weapons by a person who
20 holds a license or permit issued under this section or who is employed by a person
21 licensed under this section. The rules shall allow the person to carry a concealed
22 weapon as permitted under s. 175.50 if the person is licensed to do so under s. 85.57
23 and shall meet the minimum requirements specified in 15 USC 5902 (b).

24 **SECTION 19.** 895.035 (4a) (a) 2. of the statutes is amended to read:

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1 895.035 (4a) (a) 2. An act resulting in a violation of s. 943.01, 943.02, 943.03,
2 943.05, 943.06, or ~~947.015~~ 947.07.

3 **SECTION 20.** 939.22 (7) of the statutes is created to read:

4 939.22 (7) “Crime punishable by death or life imprisonment” means a crime for
5 which one or more of the possible penalties is death or life imprisonment.

6 **SECTION 21.** 939.22 (18m) of the statutes is created to read:

7 939.22 (18m) “Intent to terrorize” means intent to influence the policy of a
8 governmental unit by intimidation or coercion, to punish a governmental unit for a
9 prior policy decision, to affect the conduct of a governmental unit by homicide or
10 kidnapping, or to intimidate or coerce a civilian population. In this subsection,
11 “governmental unit” has the meaning given in s. 939.648 (1).

12 **SECTION 22.** 939.30 (1) of the statutes is amended to read:

13 939.30 (1) Except as provided in sub. (2) and ss. 947.09, 948.35, and 961.455,
14 whoever, with intent that a felony be committed, advises another to commit that
15 crime under circumstances that indicate unequivocally that he or she has the intent
16 is guilty of a Class D felony.

17 **SECTION 23.** 939.30 (2) of the statutes is amended to read:

18 939.30 (2) For a solicitation to commit a crime for which the penalty is that is
19 punishable by death or life imprisonment, the actor is guilty of a Class C felony. For
20 a solicitation to commit a Class E felony, the actor is guilty of a Class E felony.

21 **SECTION 24.** 939.31 of the statutes is amended to read:

22 **939.31 Conspiracy.** Except as provided in ss. 940.43 (4), 940.45 (4), and
23 961.41 (1x), whoever, with intent that a crime be committed, agrees or combines with
24 another for the purpose of committing that crime may, if one or more of the parties
25 to the conspiracy ~~does~~ do an act to effect its object, be fined or imprisoned or both not

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1 to exceed the maximum provided for the completed crime; except that for a
2 conspiracy to commit a crime ~~for which the penalty is~~ that is punishable by death or
3 life imprisonment, the actor is guilty of a Class B felony.

4 **SECTION 25.** 939.32 (1) (a) of the statutes is amended to read:

5 939.32 (1) (a) Whoever attempts to commit a crime ~~for which the penalty is~~ that
6 is punishable by death or life imprisonment is guilty of a Class B felony.

7 **SECTION 26.** 939.60 of the statutes is amended to read:

8 **939.60 Felony and misdemeanor defined.** A crime that is punishable by
9 death or imprisonment in the Wisconsin state prisons is a felony. Every other crime
10 is a misdemeanor.

11 **SECTION 27.** 939.62 (2m) (c) of the statutes is amended to read:

12 939.62 (2m) (c) If the actor is a persistent repeater and the actor is not
13 sentenced to death under s. 973.0145, the term of imprisonment for the felony for
14 which the persistent repeater presently is being sentenced under ch. 973 is life
15 imprisonment without the possibility of parole or extended supervision.

16 **SECTION 28.** 939.624 (2) of the statutes is amended to read:

17 939.624 (2) If a person has one or more prior convictions for a serious violent
18 crime or a crime punishable by death or life imprisonment and subsequently
19 commits a serious violent crime, the court shall sentence the person to not less than
20 5 years' imprisonment, but otherwise the penalties for the crime apply, subject to any
21 applicable penalty enhancement. The court shall not place the defendant on
22 probation.

23 **SECTION 29.** 939.625 (1) (b) 2. of the statutes is amended to read:

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1 939.625 (1) (b) 2. If the maximum term of imprisonment for a felony is more
2 than 5 years or is a life term or the felony is punishable by death, the maximum term
3 of imprisonment for the felony may be increased by not more than 5 years.

4 **SECTION 30.** 939.63 (1) (a) 2. of the statutes is amended to read:

5 939.63 (1) (a) 2. If the maximum term of imprisonment for a felony is more than
6 5 years or is a life term or the felony is punishable by death, the maximum term of
7 imprisonment for the felony may be increased by not more than 5 years.

8 **SECTION 31.** 939.648 (2) (b) 1. of the statutes is amended to read:

9 939.648 (2) (b) 1. The person causes bodily harm, great bodily harm, or death
10 to another during commission of the felony or while in immediate flight after
11 commission of the felony.

12 **SECTION 32.** 939.648 (2) (c) of the statutes is amended to read:

13 939.648 (2) (c) Commits the felony with the intent to influence the policy of a
14 governmental unit ~~or by intimidation or coercion~~, to punish a governmental unit for
15 a prior policy decision, to affect the conduct of a governmental unit by homicide or
16 kidnapping, or to intimidate or coerce a civilian population.

17 **SECTION 33.** 939.648 (3) of the statutes is renumbered 939.648 (3) (a) and
18 amended to read:

19 939.648 (3) (a) ~~The Except as provided in par. (b)~~, the maximum fine prescribed
20 by law for the felony may be increased by not more than \$50,000 and the maximum
21 period of imprisonment prescribed by law for the felony may be increased by not more
22 than 10 years.

23 **SECTION 34.** 939.648 (3) (b) of the statutes is created to read:

24 939.648 (3) (b) If the underlying felony is first-degree intentional homicide
25 under s. 940.01 and the person is 18 years of age or older when he or she commits the

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1 felony, the person may be sentenced to death or life imprisonment as determined
2 under s. 973.0145.

3 **SECTION 35.** 939.648 (3m) of the statutes is created to read:

4 939.648 (3m) The state must declare its intention to seek a sentence of death
5 under sub. (3) (b) before arraignment or acceptance of a plea, or else is barred from
6 seeking a sentence of death.

7 **SECTION 36.** 941.23 of the statutes is renumbered 941.23 (1) and amended to
8 read:

9 941.23 (1) Any person except a peace officer or an individual holding a valid
10 license issued under s. 85.57 who goes armed with a concealed and dangerous
11 weapon is guilty of a Class A misdemeanor.

12 **SECTION 37.** 941.23 (2) of the statutes is created to read:

13 941.23 (2) An individual formerly licensed under s. 85.57 whose license has
14 been revoked under s. 175.50 (14) (a) may not assert his or her refusal to accept or
15 failure to receive a notice of revocation mailed under s. 175.50 (14) (b) as a defense
16 to prosecution under sub. (1), regardless of whether the person has complied with s.
17 175.50 (12).

18 **SECTION 38.** 941.235 (2) of the statutes is amended to read:

19 941.235 (2) This section does not apply to peace officers or armed forces or
20 military personnel who go armed in the line of duty, to any individual holding a valid
21 license issued under s. 85.57 who is carrying a concealed weapon as permitted under
22 s. 175.50, or to any person duly authorized by the chief of police of any city, village
23 or town, the chief of the capitol police or the sheriff of any county to possess a firearm
24 in any building under sub. (1).

25 **SECTION 39.** 941.237 (3) (cg) of the statutes is created to read:

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1 941.237 (3) (cg) Any individual holding a valid license issued under s. 85.57
2 who is carrying a concealed weapon as permitted under s. 175.50.

3 **SECTION 40.** 941.295 (2) (bm) of the statutes is created to read:

4 941.295 (2) (bm) Any individual holding a valid license issued under s. 85.57.

5 **SECTION 41.** 946.32 (3) of the statutes is created to read:

6 946.32 (3) This section does not apply to offenses that may be prosecuted under
7 s. 175.50 (17) (b).

8 **SECTION 42.** 946.47 (1) (intro.) of the statutes is amended to read:

9 946.47 (1) (intro.) ~~Whoever~~ Except as provided in sub. (1m), whoever does
10 either of the following is guilty of a Class E felony:

11 **SECTION 43.** 946.47 (1m) of the statutes is created to read:

12 946.47 (1m) (a) If the felon under sub. (1), with intent to terrorize, committed
13 a felony that satisfies s. 939.648 (2) (a) and (b) or committed an act outside this state
14 that would be a felony that satisfies s. 939.648 (2) (a) and (b) if committed in this
15 state, the person who violates sub. (1) is guilty of a Class C felony.

16 (b) If the felon under sub. (1), with intent to terrorize, committed a felony that
17 satisfies s. 939.648 (2) (a) and (b) or committed an act outside this state that would
18 be a felony that satisfies s. 939.648 (2) (a) and (b) if committed in this state, and the
19 felony or act resulted in the death of another, the person who violates sub. (1) is guilty
20 of a Class BC felony.

21 **SECTION 44.** 946.82 (4) of the statutes, as affected by 2001 Wisconsin Act 16,
22 is amended to read:

23 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
24 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
25 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),

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1 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
2 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
3 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
4 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2), (2d), or (2g), 943.011,
5 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (c) and
6 (d), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,
7 943.30, 943.32, 943.34 (1) (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)
8 (c), 943.60, 943.70, 943.76, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34,
9 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31,
10 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, ~~947.015~~ 947.07,
11 948.05, 948.08, 948.12, and 948.30.

12 **SECTION 45.** 947.015 of the statutes is repealed.

13 **SECTION 46.** 947.07 of the statutes is created to read:

14 **947.07 Threatening use of weapon of mass destruction.** (1) In this
15 section:

16 (a) "Destructive device" means a bomb, a grenade, a rocket having a propellant
17 charge of more than 4 ounces, a missile having an explosive or incendiary charge of
18 more than one-quarter ounce, a mine, or a similar explosive device.

19 (b) "Harmful substance" means radioactive material that is dangerous to
20 human life, a toxic or poisonous chemical or precursor of a toxic or poisonous
21 chemical, or a disease organism.

22 (2) Whoever intentionally threatens to use a destructive device or a harmful
23 substance to harm another or to destroy property, if the threat induces a reasonable
24 expectation or fear that the destructive device or harmful substance will be used to
25 harm another or to destroy property, is guilty of a Class E felony.

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1 **SECTION 47.** 947.08 of the statutes is created to read:

2 **947.08 Terrorism threat.** Whoever, with intent to terrorize, makes or
3 conveys a threat to commit a felony that satisfies s. 939.648 (2) (a) and (b), if the
4 threat induces a reasonable expectation or fear that the felony will be committed, is
5 guilty of a Class D felony.

6 **SECTION 48.** 947.09 of the statutes is created to read:

7 **947.09 Solicitation of a terrorist act. (1)** Whoever, with intent to terrorize
8 and with intent that a felony that satisfies s. 939.648 (2) (a) and (b), or an act that
9 would be a felony that satisfies s. 939.648 (2) (a) and (b) if committed in this state,
10 be committed, advises another to commit that felony or act under circumstances that
11 indicate unequivocally that he or she has the intent that the felony or act be
12 committed may be penalized as provided under sub. (2).

13 **(2)** A person who violates sub. (1) is guilty of a Class D felony unless one of the
14 following applies:

15 (a) If the act solicited under sub. (1) would be punishable by death or life
16 imprisonment if committed in this state, the person is guilty of a Class C felony.

17 (b) If the act solicited under sub. (1) would be a Class E felony if committed in
18 this state, the person is guilty of a Class E felony.

19 **(3)** A person may not be convicted under both s. 939.30 and this section for the
20 same act.

21 **SECTION 49.** 947.10 of the statutes is created to read:

22 **947.10 Providing or requesting support for terrorist act. (1)** In this
23 section, "material support or resources" means currency or other financial securities,
24 financial services, lodging, training, safehouses, false documentation or
25 identification, communications equipment, facilities, weapons, lethal substances,

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1 explosives, personnel, transportation, and other physical assets, except medicine or
2 religious materials.

3 **(2)** Any person who provides, asks another to provide, or collects material
4 support or resources with the intent that the material support or resources be used
5 to plan, commit, conceal, or flee after committing a felony that satisfies s. 939.648 (2)
6 (a) and (b), or an act that would be a felony that satisfies s. 939.648 (2) (a) and (b) if
7 committed in this state, if the person intends that the felony or act terrorize, is guilty
8 of a Class D felony, if the value of the material support or resources provided,
9 requested, or collected does not exceed \$1,000, and is guilty of a Class C felony if the
10 value exceeds \$1,000.

11 **(3)** A person may not be convicted under both this section and any of the
12 following for the same act:

13 (a) Under s. 939.30 for solicitation.

14 (b) Under s. 939.31 for conspiracy.

15 (c) Under s. 939.32 for attempt.

16 (d) Under s. 939.05 as a party to a crime.

17 **SECTION 50.** 948.605 (2) (b) 4m. of the statutes is created to read:

18 948.605 **(2)** (b) 4m. By an individual holding a valid license issued under s.
19 85.57 who is carrying a concealed weapon as permitted under s. 175.50;

20 **SECTION 51.** 961.335 (1m) of the statutes is created to read:

21 961.335 **(1m)** Notwithstanding sub. (1), upon the application of the secretary
22 of corrections for a permit to obtain a controlled substance for purposes of an
23 execution under s. 973.017, the controlled substances board shall issue a permit
24 under this section.

25 **SECTION 52.** 967.02 (1m) of the statutes is created to read:

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1 967.02 (1m) “Crime punishable by death or life imprisonment” has the
2 meaning given in s. 939.22 (7).

3 **SECTION 53.** 969.08 (10) (b) of the statutes is amended to read:

4 969.08 (10) (b) “Serious crime” means any crime specified in s. 346.62 (4),
5 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195
6 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25,
7 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30,
8 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,
9 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.01, 946.02, 946.43, ~~947.015~~ 947.07,
10 947.08, 947.09, 947.10, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06,
11 948.07 or 948.30.

12 **SECTION 54.** 971.17 (1) of the statutes is amended to read:

13 971.17 (1) COMMITMENT PERIOD. When a defendant is found not guilty by reason
14 of mental disease or mental defect, the court shall commit the person to the
15 department of health and family services for a specified period not exceeding
16 two-thirds of the maximum term of imprisonment that could be imposed under s.
17 973.15 (2) (a) against an offender convicted of the same crime or crimes, including
18 imprisonment authorized by ss. 346.65 (2) (f), (2j) (d), or (3m), 939.62, 939.621,
19 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b), 940.25 (1b), and 961.48 and
20 other penalty enhancement statutes, as applicable, subject to the credit provisions
21 of s. 973.155. If the ~~maximum term of imprisonment is~~ crime is punishable by death
22 or life imprisonment, the commitment period specified by the court may be life,
23 subject to termination under sub. (5).

24 **SECTION 55.** 972.03 of the statutes is amended to read:

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1 **972.03 Peremptory challenges.** Each side is entitled to only 4 peremptory
2 challenges except as otherwise provided in this section. When the crime charged is
3 punishable by death or life imprisonment, the state is entitled to 6 peremptory
4 challenges and the defendant is entitled to 6 peremptory challenges. If there is more
5 than one defendant, the court shall divide the challenges as equally as practicable
6 among them; and if their defenses are adverse and the court is satisfied that the
7 protection of their rights so requires, the court may allow the defendants additional
8 challenges. If the crime is punishable by death or life imprisonment, the total
9 peremptory challenges allowed the defense shall not exceed 12 if there are only 2
10 defendants and 18 if there are more than 2 defendants; in other felony cases 6
11 challenges if there are only 2 defendants and 9 challenges if there are more than 2.
12 In misdemeanor cases, the state is entitled to 3 peremptory challenges and the
13 defendant is entitled to 3 peremptory challenges, except that if there are 2
14 defendants, the court shall allow the defense 4 peremptory challenges, and, if there
15 are more than 2 defendants, the court shall allow the defense 6 peremptory
16 challenges. Each side shall be allowed one additional peremptory challenge if
17 additional jurors are to be selected under s. 972.04 (1).

18 **SECTION 56.** 972.13 (6) of the statutes is amended to read:

19 972.13 (6) The following forms may be used for judgments:

20 STATE OF WISCONSIN

21 County

22 In.... Court

23 The State of Wisconsin

24 vs.

25 (Name of defendant)

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1 UPON ALL THE FILES, RECORDS AND PROCEEDINGS,

2 IT IS ADJUDGED That the defendant has been convicted upon the defendant's
3 plea of guilty (not guilty and a verdict of guilty) (not guilty and a finding of guilty)
4 (no contest) on the.... day of...., (year), of the crime of.... in violation of s.....; and
5 the court having asked the defendant whether the defendant has anything to state
6 why sentence should not be pronounced, and no sufficient grounds to the contrary
7 being shown or appearing to the court.

8 *IT IS ADJUDGED That the defendant is guilty as convicted.

9 *IT IS ADJUDGED That the defendant shall be executed by lethal injection.

10 *IT IS ADJUDGED That the defendant is hereby committed to the Wisconsin
11 state prisons (county jail of.... county) for an indeterminate term of not more than.....

12 *IT IS ADJUDGED That the defendant is ordered to serve a bifurcated
13 sentence consisting of year(s) of confinement in prison and months/years of
14 extended supervision.

15 *IT IS ADJUDGED That the defendant is placed in the intensive sanctions
16 program subject to the limitations of section 973.032 (3) of the Wisconsin Statutes
17 and the following conditions:....

18 *IT IS ADJUDGED That the defendant is hereby committed to detention in
19 (the defendant's place of residence or place designated by judge) for a term of not
20 more than....

21 *IT IS ADJUDGED That the defendant is placed on lifetime supervision by the
22 department of corrections under section 939.615 of the Wisconsin Statutes.

23 *IT IS ADJUDGED That the defendant is ordered to pay a fine of \$.... (and the
24 costs of this action).

25 *IT IS ADJUDGED That the defendant pay restitution to....

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1 *IT IS ADJUDGED That the defendant is restricted in his or her use of
2 computers as follows:....

3 *The.... at.... is designated as the Reception Center to which the defendant shall
4 be delivered by the sheriff.

5 *IT IS ORDERED That the clerk deliver a duplicate original of this judgment
6 to the sheriff who shall forthwith execute the same and deliver it to the warden.

7 Dated this.... day of...., (year)

8 BY THE COURT....

9 Date of Offense....,

10 District Attorney....,

11 Defense Attorney....

12 *Strike inapplicable paragraphs.

13 STATE OF WISCONSIN

14 County

15 In.... Court

16 The State of Wisconsin

17 vs.

18(Name of defendant)

19 On the.... day of...., (year), the district attorney appeared for the state and
20 the defendant appeared in person and by.... the defendant's attorney.

21 UPON ALL THE FILES, RECORDS AND PROCEEDINGS

22 IT IS ADJUDGED That the defendant has been found not guilty by the verdict
23 of the jury (by the court) and is therefore ordered discharged forthwith.

24 Dated this.... day of...., (year)

25 BY THE COURT....

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1 **SECTION 57.** 973.01 (3) of the statutes is amended to read:

2 973.01 (3) NOT APPLICABLE TO LIFE SENTENCES. If a person is being sentenced for
3 a felony that is punishable by life imprisonment or by death, he or she is not subject
4 to this section but shall be sentenced under s. 973.014 (1g) or 973.0145, whichever
5 is applicable.

6 **SECTION 58.** 973.0145 of the statutes is created to read:

7 **973.0145 Sentence of death or life imprisonment for homicide by**
8 **terrorist. (1)** Upon conviction of a defendant of a homicide under s. 940.01 to which
9 s. 939.648 (2) and (3) (b) are found to apply, the court shall conduct a separate
10 sentencing hearing to determine whether the defendant should be sentenced to
11 death or life imprisonment. Nothing in this section precludes the state at any time
12 from retracting its decision to seek a sentence of death. If the state chooses not to
13 seek a sentence of death, the court shall sentence the defendant to life imprisonment
14 as provided under s. 973.014.

15 **(2)** The trial judge shall conduct the hearing before the trial jury, if there was
16 a jury trial, as soon as practicable. Before commencing the sentencing hearing with
17 the trial jury, the court shall determine whether the jurors can impartially render
18 a sentencing determination based on evidence presented in the sentencing hearing.
19 The court shall examine each juror individually outside the presence of the other
20 jurors. The court shall determine the scope of the examination of individual jurors
21 and may use questions proposed by any of the parties. The individual juror
22 examinations shall be conducted on the record, but the court may seal the record of
23 an individual juror's examination upon the motion of any party and a showing of good
24 cause. If the court finds that a juror is not impartial, the court shall discharge that
25 juror and replace the juror with the next alternate juror. If no alternate juror is

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1 available, the court shall dismiss the trial jury and impanel a new jury. If the trial
2 jury is unable to reconvene for a hearing on the issue of penalty, the trial judge may
3 summon a new jury to determine the issue of the imposition of the penalty. If the trial
4 jury has been waived, or if the defendant pleaded guilty, the court shall conduct the
5 sentencing hearing before a jury summoned for that purpose unless the defendant
6 waives the right to a jury.

7 (3) At the sentencing hearing, the defendant may present any evidence that
8 is relevant to a mitigating circumstance under sub. (5). The state may not offer
9 evidence or argument relating to any mitigating factor except in rebuttal of evidence
10 offered by the defendant. The defendant has the burden of proof, by a preponderance
11 of the evidence, regarding mitigating circumstances. The court shall permit the state
12 and the defendant or his or her counsel to present arguments for or against a
13 sentence of death.

14 (4) The court shall instruct the jury to consider the evidence of mitigating
15 circumstances and to determine whether the defendant should be sentenced to death
16 or to life imprisonment. The court shall further instruct the jury that, if the jury does
17 not reach a unanimous decision, the court shall impose a sentence of life
18 imprisonment under which the defendant will serve at least 20 years in prison and
19 that the judge shall determine whether the defendant may be eligible for release to
20 extended supervision at some time after 20 years, and if so when, or whether the
21 defendant is not eligible for release to extended supervision. Upon the motion of any
22 party, the court shall further inform the jury if the defendant is ineligible for release
23 to extended supervision under s. 939.62 (2m) (c).

24 (5) The jury shall consider as a mitigating circumstance any aspect of the
25 defendant's character, background, or record or any of the circumstances of the

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1 offense that the defendant offers as a basis for a sentence other than death.

2 Mitigating circumstances may include any of the following:

3 (a) The defendant has no significant history of prior criminal convictions
4 involving the use of violence against another person.

5 (b) The defendant was mentally retarded, as defined in sub. (7) (a), at the time
6 of the crime, or the defendant's mental capacity was impaired or his or her ability to
7 conform his or her conduct to the requirement of law was impaired, although not so
8 impaired as to constitute a defense to prosecution.

9 (c) The defendant was under duress or under the domination of another person,
10 although not such duress or domination as to constitute a defense to prosecution.

11 (d) The defendant was criminally liable for the present offense of murder
12 committed by another, but his or her participation in the offense was relatively
13 minor, although not so minor as to constitute a defense to prosecution.

14 (e) The murder was committed while the defendant was mentally or
15 emotionally disturbed or under the influence of alcohol or any drug, although not to
16 such an extent as to constitute a defense to prosecution.

17 (f) Any other circumstance concerning the crime, the defendant's state of mind
18 or condition at the time of the crime, or the defendant's character, background, or
19 record that could be relevant to mitigation or punishment for the crime.

20 **(6)** (a) If the jury unanimously decides that the defendant should be sentenced
21 to death, the court shall impose a sentence of death and the jury shall state on the
22 record which, if any, mitigating circumstances the jury found. If the jury
23 unanimously decides that the defendant should be sentenced to life imprisonment,
24 or if the jury does not unanimously agree on a sentence, the court shall sentence the
25 defendant to life imprisonment as provided under s. 973.014. If the jury decides that

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1 the defendant should be sentenced to life imprisonment, the jury may make a
2 recommendation as to when, if ever, the defendant should be eligible for release to
3 extended supervision. The jury's recommendation regarding eligibility for release
4 to extended supervision is not binding on the court.

5 (b) If the jury's decision is unanimous, the court shall read the jury's decision
6 to the jurors and ask the jurors collectively if they concur with the decision. Upon
7 the request of either party, the court shall ask each juror individually if he or she
8 agrees with the jury's decision. If any juror responds in the negative, the court shall
9 refuse to accept the decision and shall direct the jury to continue deliberating.

10 (c) If there is no jury, the court shall consider the evidence presented regarding
11 mitigation and either sentence the defendant to death or to life imprisonment as
12 provided under s. 973.014. If the court sentences the defendant to death, the court
13 shall state on the record which, if any, mitigating circumstances the court found.

14 (7) (a) In this subsection, "mentally retarded" means having significantly
15 subaverage general intellectual functioning that exists concurrently with deficits in
16 adaptive behavior which were manifested before the age of 18 years.

17 (b) If the state is seeking a sentence of death and the defendant files a motion
18 showing cause to believe that the defendant is mentally retarded, the court shall hold
19 a hearing to determine whether the defendant is mentally retarded before
20 conducting the sentencing hearing. The judge shall conduct the hearing on mental
21 retardation without a jury. At the hearing on mental retardation, the defendant has
22 the burden to prove by a preponderance of the evidence that he or she is mentally
23 retarded.

24 (c) At the close of the hearing on mental retardation and before the court
25 renders a determination on the issue of mental retardation, the court shall conduct

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1 the sentencing hearing. If the sentence imposed is other than death, the court will
2 not rule on the issue of mental retardation. If the defendant is sentenced to death,
3 the court shall issue a determination regarding mental retardation. If the court finds
4 that the defendant is mentally retarded, the court shall set aside the sentence of
5 death and sentence the defendant under s. 973.014. If the court finds that the
6 defendant is not mentally retarded, the sentence of death stands.

7 (d) The state may appeal a determination that a defendant is mentally
8 retarded.

9 (e) This subsection does not apply if the homicide for which the defendant is
10 being sentenced was committed while the defendant was incarcerated under a
11 criminal sentence.

12 **(8)** (a) In this subsection, “mental health expert” means a psychiatrist,
13 psychologist, or other person who has received training or education relating to, or
14 has experience relating to, the identification, diagnosis, treatment, or evaluation of
15 mental diseases, defects, or conditions.

16 (b) If either party intends to present evidence offered by a mental health expert
17 of a mental disease, defect, or condition at a sentencing hearing or a hearing on
18 mental retardation under this section, the party shall provide notice of the intent and
19 a summary of the expert’s testimony. If the defendant provides notice of intent to
20 present expert mental health testimony, the state may request that the court order
21 the defendant to submit to an examination by a mental health expert designated by
22 the state.

23 (c) Counsel for the defendant and counsel for the state have the right to be
24 present at an examination ordered under par. (b). The state shall provide the
25 defendant with a transcript of the examination promptly after its conclusion. If the

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1 court finds that the defendant refused to cooperate fully in an examination ordered
2 under par. (b), the court, upon the request of the state, shall instruct the jury that
3 the defendant did not submit to or cooperate fully in the examination.

4 (d) Statements made by the defendant during an examination ordered under
5 par. (b) are inadmissible as evidence in any criminal action or proceeding concerning
6 the defendant, except as evidence regarding the existence of a mitigating factor
7 under sub. (5) or on the issue mental retardation in a hearing under sub. (7).

8 (9) The court that imposes a sentence of death shall set the date for execution.
9 The defendant shall be committed to the Wisconsin state prisons pending the
10 execution of the death sentence.

11 (10) The execution of a death sentence shall be by lethal injection.

12 **SECTION 59.** 973.016 of the statutes is created to read:

13 **973.016 Stay of execution of death sentence.** The execution of a death
14 sentence may be stayed only by the governor or incident to an appeal.

15 **SECTION 60.** 973.017 of the statutes is created to read:

16 **973.017 Execution of death sentence.** The secretary of corrections shall
17 designate the executioner who shall provide a person subject to a death sentence with
18 an intravenous injection of one or more substances in a lethal quantity. A person is
19 immune from civil or criminal liability for his or her acts or omissions, in good faith,
20 in regard to a lawful execution under this section. The secretary may not direct a
21 physician to be present or require a physician to announce when death has occurred.
22 A physician may certify the death after a person, other than a physician, has
23 determined or pronounced death. The secretary shall designate 12 citizens to
24 witness the execution. The convicted person may request that certain additional
25 people be allowed to witness the execution. The secretary shall grant any such

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1 reasonable request. The secretary may allow representatives of the news media to
2 witness the execution under rules of the department. No other persons may be
3 allowed to witness the execution.

4 **SECTION 61.** 973.032 (2) (b) of the statutes is amended to read:

5 973.032 (2) (b) Notwithstanding par. (a), the court may not sentence a person
6 under sub. (1) if he or she is convicted of a felony punishable by death or life
7 imprisonment or has at any time been convicted, adjudicated delinquent, or found
8 not guilty or not responsible by reason of insanity or mental disease, defect, or illness
9 for committing a violent offense, as defined in s. 301.048 (2) (bm).

10 **SECTION 62.** 973.09 (1) (c) of the statutes is amended to read:

11 973.09 (1) (c) When a person is convicted of any crime ~~which~~ that is punishable
12 by death or life imprisonment, the court shall may not place the person on probation.

13 **SECTION 63. Nonstatutory provisions.**

14 (1) (a) In this subsection, "department" means the department of justice.

15 (b) Using the procedure under section 227.24 of the statutes, the department
16 shall promulgate the rules required under section 175.50 (10q) of the statutes, as
17 created by this act, for the period beginning on the effective date of this paragraph
18 and ending on the effective date of the permanent rules promulgated under section
19 175.50 (10q) of the statutes, as created by this act, but the rules may not remain
20 effective for longer than the period authorized under section 227.24 (1) (c) and (2) of
21 the statutes. The department shall promulgate the rules required under this
22 paragraph no later than the 30th day beginning after the effective date of this
23 paragraph. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the
24 department is not required to provide evidence that promulgating a rule under this
25 paragraph as an emergency rule is necessary for the preservation of the public peace,

SENATE BILL 328**SECTION 63**

1 health, safety, or welfare and is not required to provide a finding of emergency for a
2 rule promulgated under this paragraph.

3 **SECTION 64. Effective dates.** This act takes effect on the day after publication,
4 except as follows:

5 (1) LICENSES TO CARRY CONCEALED WEAPONS. The treatment of sections 20.455
6 (2) (gp), 59.25 (3) (u), 85.57 (2), (3), (4), (5), and (6), 165.82 (2), 167.31 (4) (ar), 175.50
7 (1), (2), (2g), (3), (6), (7), (8), (9), (9g), (10), (10q), (11), (12), (13), (14), (14m), (15), (16),
8 (17), and (18), 440.26 (3m), 941.235 (2), 941.237 (3) (cg), 941.295 (2) (bm), 946.32 (3),
9 and 948.605 (2) (b) 4m. of the statutes, the renumbering and amendment of section
10 941.23 of the statutes, and the creation of section 941.23 (2) of the statutes take effect
11 on the 30th day beginning after publication.

12 (END)