

1993 Assembly Bill 726

Date of enactment: **December 10, 1993**  
Date of publication\*: **December 24, 1993**

## 1993 WISCONSIN ACT 95

AN ACT to amend 48.78 (3) and 968.255 (1) (a) 2; and to create 941.237 of the statutes, relating to: going armed with a handgun on premises authorized to sell alcohol beverages for consumption on those premises and providing penalties.

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

**SECTION 1.** 48.78 (3) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

48.78 (3) If a child adjudged delinquent on the basis of a violation of s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a), 943.32 (2), 948.02, 948.03, 948.05, 948.60, 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured correctional facility, has been allowed to leave a secured correctional facility for a specified time period and is absent from the facility for more than 12 hours after the expiration of the specified period or has run away from the child's placement in the community while under corrective sanctions supervision, the department may release the child's name and any information about the child the department determines to be necessary for the protection of the public or to secure the child's return to the facility or placement. The department shall promulgate rules establishing guidelines for the release of the child's name or information about the child to the public.

**SECTION 2.** 941.237 of the statutes is created to read:

**941.237 Carrying handgun where alcohol beverages may be sold and consumed.** (1) In this section:

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

(b) "Correctional officer" means any person employed by the state or any political subdivision as a

guard or officer whose principal duties are the supervision and discipline of inmates.

(c) "Encased" has the meaning given in s. 167.31 (1) (b).

(cm) "Firearms dealer" means any person engaged in the business of importing, manufacturing or dealing in firearms and having a license as an importer, manufacturer or dealer issued by the U.S. department of the treasury.

(d) "Handgun" has the meaning given in s. 175.35 (1) (b).

(dm) "Hotel" has the meaning given in s. 50.50 (3).

(e) "Premises" has the meaning given in s. 125.02 (14m), but excludes any area primarily used as a residence.

(em) "Private security person" has the meaning given in s. 440.26 (1m).

(f) "Target range" means any area where persons are allowed to use a handgun to fire shots at targets.

(fm) "Tavern" means an establishment, other than a private club or fraternal organization, in which alcohol beverages are sold for consumption on the premises.

(g) "Unloaded" means any of the following:

1. Having no shell or cartridge in the chamber of a handgun or in the magazine attached to a handgun.

2. In the case of a caplock muzzle-loading handgun, having the cap removed.

3. In the case of a flintlock muzzle-loading handgun, having the flashpan cleaned of powder.

(2) Whoever intentionally goes armed with a handgun on any premises for which a Class "B" or "Class B"

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license or permit has been issued under ch. 125 is guilty of a Class A misdemeanor.

(3) Subsection (2) does not apply to any of the following:

(a) A peace officer.

(b) A correctional officer while going armed in the line of duty.

(c) A member of the U.S. armed forces or national guard while going armed in the line of duty.

(cm) A private security person meeting all of the following criteria:

1. The private security person is covered by a license or permit issued under s. 440.26.

2. The private security person is going armed in the line of duty.

3. The private security person is acting with the consent of the person specified in par. (d).

(d) The licensee, owner, or manager of the premises, or any employe or agent authorized to possess a handgun by the licensee, owner, or manager of the premises.

(e) The possession of a handgun that is unloaded and encased in a vehicle in any parking lot area.

(f) The possession or use of a handgun at a public or private gun or sportsmen's range or club.

(g) The possession or use of a handgun on the premises if authorized for a specific event of limited duration by the owner or manager of the premises who is issued the Class "B" or "Class B" license or permit under ch. 125 for the premises.

(h) The possession of any handgun that is used for decoration if the handgun is encased, inoperable or secured in a locked condition.

(i) The possession of a handgun in any portion of a hotel other than the portion of the hotel that is a tavern.

(j) The possession of a handgun in any portion of a combination tavern and store devoted to other business if the store is owned or operated by a firearms dealer, the other business includes the sale of handguns and the handgun is possessed in a place other than a tavern.

(4) The state does not have to negate any exception under sub. (3). Any party that claims that an exception under sub. (3) is applicable has the burden of proving the exception by a preponderance of the evidence.

**SECTION 3.** 968.255 (1) (a) 2. of the statutes is amended to read:

968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20 (1), 941.23, 941.237, 941.24, 948.60, 948.605 (2) (a) or 948.61.