

## 1999 ASSEMBLY BILL 743

February 10, 2000 – Introduced by Representatives WALKER, LA FAVE, AINSWORTH, DUFF, GOETSCH, GROTHMAN, GUNDERSON, HANDRICK, KAUFERT, F. LASEE, M. LEHMAN, OWENS, PETTIS, RYBA, SPILLNER, STONE, ZIEGELBAUER and NASS, cosponsored by Senators DARLING, DRZEWIECKI, A. LASEE, ROSENZWEIG and SCHULTZ. Referred to Committee on Corrections and the Courts.

1     **AN ACT to renumber and amend** 941.23 and 941.235 (2); and **to create** 301.51,  
2           941.23 (2), 941.235 (2) (d) and 941.237 (3) (am) of the statutes; **relating to:**  
3           probation, parole and extended supervision agents responsible for locating  
4           absconders.

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### ***Analysis by the Legislative Reference Bureau***

Current law prohibits a person from carrying a concealed and dangerous weapon. With certain exceptions, current law also prohibits a person from carrying a handgun on the premises of a tavern. A person who violates either of these prohibitions may be fined not more than \$10,000 or imprisoned for not more than nine months or both. In addition, current law prohibits a person from carrying any firearm in a building owned or leased by the state or any political subdivision of the state. A person who violates this prohibition may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. None of these prohibitions apply to a peace officer, who is any person vested by law with a duty to maintain public order or to make arrests for crime.

This bill provides that these three weapons-related prohibitions do not apply to a probation, extended supervision and parole agent whose primary duty is to locate persons who have absconded from probation, parole or extended supervision (an absconder agent) and who goes armed while acting in his or her official capacity.

The bill requires the department of corrections (DOC) to select the type of firearm that absconder agents may use and requires DOC to provide ammunition for the firearm to them. The absconder agent, however, is responsible for purchasing the

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firearm and the holster. In addition, under the bill, DOC must provide training regarding firearm safety and use to absconder agents.

The bill also requires DOC to provide credentials and a badge to each absconder agent.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 301.51 of the statutes is created to read:

2           **301.51 Absconder agents. (1) DEFINITION.** In this section, “absconder agent”  
3 means a probation, parole or extended supervision agent whose primary duty is to  
4 locate persons who have absconded from probation, parole or extended supervision.

5           **(2) ABSCONDER AGENT FIREARMS.** (a) The department shall select the type of  
6 firearm that absconder agents may carry. If an absconder agent carries a firearm,  
7 the absconder agent shall purchase the firearm and any holster needed for it, and the  
8 department shall provide the needed ammunition. The department shall provide  
9 training regarding firearm safety and use to absconder agents.

10           **(3) CREDENTIALS AND IDENTIFICATION.** The department shall provide credentials  
11 and a badge to each absconder agent, who shall carry them at all times while on duty.

12           **SECTION 2.** 941.23 of the statutes is renumbered 941.23 (1) and amended to  
13 read:

14           **941.23 (1)** Any person ~~except a peace officer~~ who goes armed with a concealed  
15 and dangerous weapon is guilty of a Class A misdemeanor.

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

17           **941.23 (2)** Subsection (1) does not apply to any of the following:

18           (a) A peace officer.

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1 (b) A probation, extended supervision and parole agent, as defined in s. 940.20  
2 (2m) (a) 2., whose primary duty is to locate persons who have absconded from  
3 probation, extended supervision or parole and who goes armed while acting in his or  
4 her official capacity.

5 **SECTION 4.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and  
6 amended to read:

7 941.235 (2) (intro.) This section does not apply to peace any of the following:

8 (a) Peace officers or armed.

9 (b) Armed forces or military personnel who go armed in the line of duty or to  
10 any.

11 (c) Any person duly authorized by the chief of police of any city, village or town,  
12 the chief of the capitol police or the sheriff of any county to possess a firearm in any  
13 building under sub. (1).

14 **SECTION 5.** 941.235 (2) (d) of the statutes is created to read:

15 941.235 (2) (d) A probation, extended supervision and parole agent, as defined  
16 in s. 940.20 (2m) (a) 2., whose primary duty is to locate persons who have absconded  
17 from probation, extended supervision or parole and who goes armed while acting in  
18 his or her official capacity.

19 **SECTION 6.** 941.237 (3) (am) of the statutes is created to read:

20 941.237 (3) (am) A probation, extended supervision and parole agent, as  
21 defined in s. 940.20 (2m) (a) 2., whose primary duty is to locate persons who have  
22 absconded from probation, extended supervision or parole and who goes armed while  
23 acting in his or her official capacity.

24 (END)