

1999 DRAFTING REQUEST

Bill

Received: 12/03/1998

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **David Zien (608) 266-7511**

By/Representing: **David Larson**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - guns and weapons**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

License to carry a concealed weapon

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Required</u>
/?	olsenje 12/12/1998	gilfokm 12/30/1998	haugca 01/04/1999	_____	_____	S&L
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FE Sent For:

<END>

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1?	olsenje	CMM 12/14 /4	1/14	1/15/14			

FE Sent For:

<END>

102

Olsen, Jefren

From: Larson, David
Sent: Wednesday, December 02, 1998 12:20 PM
To: Olsen, Jefren
Subject: LRB-0343

Jefren -

Please re-draft last session's LRB-0343 (licenses to carry a concealed weapon) as a Senate Bill for this session, and please send to Sen. Zien's office as soon as possible - thanks

95
97
1030

12/3 Per Dave Larson use 97 version

Suez
D. Note

9

cmh/kg

1102/1

1997 BILL

Regenerate

1 AN ACT to amend 25.29 (1) (a), 165.82 (2), 941.23 and 941.235 (2); and to create
 2 20.370 (5) (cx), 20.455 (2) (gp), 29.228, 59.25 (3) (u), 167.31 (4) (am), 175.50,
 3 440.26 (3r), 941.295 (2) (bm) and 948.605 (2) (b) 4m. of the statutes; relating
 4 to: licenses to carry a concealed weapon, granting rule-making authority,
 5 making ~~an~~ appropriation and providing a penalty.

Analysis by the Legislative Reference Bureau

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 9 months or both. In addition, current law prohibits, with certain exceptions, going armed with a firearm 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, with certain exceptions, 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 fined not more than \$10,000 or imprisoned for not more than 9 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.

This bill creates a procedure by which a person 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 particular places specified under the bill. These places include police stations, sheriffs' offices, state patrol

being

while

9 or nine

BILL

stations, prisons and jails, any premises (such as a tavern) that has a license or permit to sell alcohol beverages for consumption on those premises, a school administration building, an airport, and any place in which the carrying of a weapon is prohibited by federal law. A person who is licensed to carry a concealed weapon and who carries a concealed weapon in a place where the license does not authorize him or her to do so may be fined not more than \$1,000 or imprisoned for not more than 90 days or both.

Under the bill, a county sheriff must issue a license to carry a concealed weapon to a person who meets the qualifications established in the bill for the license unless the county board of the sheriff's county decides by a two-thirds vote to authorize the sheriff not to issue concealed weapons licenses. The bill also allows ~~for more sheriffs~~ ^{two} to enter into cooperative agreements under which the sheriffs may jointly issue licenses to carry a concealed weapon.

The bill specifies the requirements that a person must satisfy in order to qualify for a license to carry a concealed weapon. Included among the requirements that a person must satisfy are the following: 1) he or she must be at least 21 years old; 2) he or she must 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; 3) he or she must have successfully completed one of several specified firearms training or safety courses; and 4) he or she must not have been subject to a finding of incompetency, drug dependency or chronic alcohol use or involuntarily committed for treatment of mental illness during the ~~3~~ ^{three}-year period preceding the date of his or her application for the license. 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 determine whether the person is 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. The background check requirement does not apply to a person applying for a license if the person is a law enforcement officer, a correctional officer, a probation and parole agent or a person holding a current certification from the law enforcement standards board.

In addition, the bill does all of the following:

1. Allows a sheriff to issue an emergency license to an individual who is in imminent danger of death.

2. Provides that a license to carry a concealed weapon is valid for ~~3~~ ^{five} years and establishes a renewal procedure that includes a background check of the person renewing the license.

3. Allows a sheriff to suspend or revoke a license to carry a concealed weapon under certain circumstances. Among the grounds for suspending or revoking a license are conviction of a felony or certain misdemeanors, a finding of incompetency, drug dependency or chronic alcohol use, or an involuntary commitment for treatment of mental illness. A person whose license is suspended or revoked by the sheriff may appeal the sheriff's action to circuit court for review by a judge.

BILL

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

5. Requires the sheriff 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 to law enforcement agencies only in certain specified circumstances.

6. Requires a person who applies for a license to carry a concealed weapon to pay a shooting range improvement fee, which is to be used by the department of natural resources to provide grants for the construction and improvement of shooting ranges.

7. Requires a person who applies for a license to carry a concealed weapon to pay a law enforcement excellence fund fee, which is to be used by the sheriff to improve law enforcement services in his or her county.

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. 20.370 (5) (cx) of the statutes is created to read:

2 20.370 (5) (cx) *Recreation aids — grants for shooting ranges.* All moneys

3 received from the shooting range improvement fee under s. 175.50 (7) (bp) and (15)

4 (b) 4. c. for the purpose of making grants and administering the grant program under

5 s. ~~20.370~~ 29.595

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

7 20.455 (2) (gp) *Concealed weapons licenses background check.* All moneys

8 received as fee payments under s. 175.50 (7) (bh) and (15) (b) 4. b. to provide services

9 under s. 175.50.

INS
3-10

10 SECTION 3. 25.29 (1) (a) of the statutes is amended to read:

11 25.29 (1) (a) Except as provided in s. 25.295, all moneys accruing to the state

12 for or in behalf of the department under chs. 26, 27, 28, 29 and 350, subchs. I and VI

13 of ch. 77 and ss. 23.09 to 23.42, 23.50 to 23.99, 30.50 to 30.55, 70.58 and 71.10 (5) and

BILL

1 ~~175.50 (7) (b) and (15) (b) 4. c. including grants received from the federal~~
 2 ~~government or any of its agencies except as otherwise provided by law.~~

3 SECTION 4. ~~29.228~~ of the statutes is created to read: 29.595 ✓

4 B 29.595 ~~29.228~~ Grants for shooting ranges. (1) The department may award grants
 5 to persons for construction or improvement of shooting ranges. A grant awarded
 6 under this section shall be paid from the appropriation account under s. 20.370 (5)
 7 (cx).

8 (2) A grant awarded under this section may be for up to 50% of the cost of the
 9 construction or improvement of the shooting range. A grant awarded under this
 10 section may not be used to pay for any of the following:

11 (a) The construction of clubhouses and facilities that are not essential to the
 12 operation of the shooting range.

13 (b) The operation and maintenance of the shooting range.

14 (3) In order to receive a grant under this section, the person creating or
 15 improving a shooting range shall agree to provide, for a fee of not more than \$20, a
 16 firearms safety course that will qualify an individual to satisfy the requirements
 17 under s. 175.50 (3) (i) for a license to carry a concealed weapon.

18 (4) In determining whether to make a grant under this section, the department
 19 shall consider the potential of the project to meet the needs of firearms safety courses
 20 in the area served by the shooting range relative to the proposed cost of the
 21 construction or improvement.

22 (5) The department shall promulgate rules establishing a procedure for
 23 applying for grants under this section.

24 SECTION 5. ~~59.25~~ (3) (u) of the statutes is created to read:

BILL

1 59.25 (3) (u) 1. Subject to the terms of an agreement under s. 175.50 (2) (c),
2 deposit all moneys received under s. 175.50 (7) (bd), (13) and (15) (b) 4. a. and (d) 1.
3 in the general fund of the county.

4 2. Forward all moneys received under s. 175.50 (7) (bh) and (15) (b) 4. b. to the
5 state treasurer for payment of firearms restrictions record searches conducted under
6 s. 175.50 (9g) at the request of the county's sheriff.

7 3. Forward all moneys received under s. 175.50 (7) (bp) and (15) (b) 4. c. to the
8 state treasurer for deposit in the conservation fund to be credited to the
9 appropriation account under s. 20.370 (5) (cx).

10 4. Subject to the terms of an agreement under s. 175.50 (2) (c), deposit all
11 moneys received under s. 175.50 (7) (bt) and (15) (b) 4. d. in the law enforcement
12 excellence fund established under s. 175.50 (20) and make payments from the fund
13 for the purposes of s. 175.50 (20) (b).

14 **SECTION 6.** 165.82 (2) of the statutes is amended to read:

15 165.82 (2) Except as provided in s. ss. 175.35 and 175.50, the department of
16 justice shall not impose fees for criminal history searches for purposes related to
17 criminal justice.

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

19 167.31 (4) (am) Subsections (2) and (3) do not apply to a person who holds a
20 valid license to carry a concealed weapon issued under s. 175.50.

21 **SECTION 8.** 175.50 of the statutes is created to read:

22 **175.50 License to carry concealed weapon.** (1) **DEFINITIONS.** In this

23 section:

Misdemeanor

24 **(a)** "Crime of violence" means a misdemeanor violation of chs. 940, 941 or 948
25 or of s. 947.013 or a violation of s. 947.01.

*proposed
state*

move to p. 6, after line 6

BILL

1

(b) "Department" means the department of justice.

2

(b) "Firearms restrictions record search" has the meaning given in s. 175.35

3 (1) (at).

4 (c) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

5 (d) "Licensee" means an individual who has been granted a license to carry a

6 concealed weapon under this section.

INS
lines
24 & 25
from
p. 5

7 (f) "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~~ ~~CARRYING OF LICENSE~~ (a) Except as provided in pars.

13 (b) and (c), a sheriff shall issue licenses to carry a concealed weapon to an individual

14 who meets the qualifications specified in subs. (3) and (4) and who completes the

15 application process specified in sub. (7). A license to carry a concealed weapon issued

16 by a sheriff under this section shall meet the requirements specified in sub. (2m).

17 (b) A sheriff is not required to issue licenses to carry a concealed weapon under

18 this section if, before the first day of the 4th month beginning after the effective of

19 this paragraph [revisor inserts date], all of the following occur:

20 1. The sheriff requests the county board of the sheriff's county to authorize him

21 or her to decline to issue licenses to carry a concealed weapon under this section.

22 2. After receiving a request from the sheriff under subd. 1., the county board

23 of the sheriff's county grants the sheriff's request by a two-thirds vote of all the

24 members of the board.

BILL

1 (c) Any 2 or more sheriffs may by agreement jointly issue licenses to carry a
2 concealed weapon under this section. An agreement for joint issuance of licenses to
3 carry a concealed weapon under this section may be entered into at any time and
4 shall satisfy all of the following criteria:

5 1. The agreement shall be in writing.

6 2. The agreement shall be approved by the county board of the county of each
7 sheriff who is a party to the agreement.

8 3. The agreement shall specify how costs incurred and moneys received under
9 this section shall be apportioned ^{among} ~~between~~ the sheriffs who are a party to the
10 agreement and their respective counties.

11 4. The agreement shall designate one county to be identified as the county of
12 issuance for purposes of the license document information required under sub. (2m)
13 (c) 7. and 8. and for purposes of appeal under sub. (14) (c).

14 5. If a sheriff who is party to an agreement has issued licenses under this
15 section before entering into the agreement, the agreement shall provide for the
16 renewal of any licenses that were issued by that sheriff before he or she entered into
17 the agreement.

(2g) ^(B) ^(CS) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE. (a)

18 A licensee may carry a concealed weapon anywhere in this state except as
19 provided under sub. (16).

20 (b) A licensee shall carry his or her license at all times during which he or she
21 is carrying a concealed weapon.

22 (c) If he or she is carrying a concealed weapon, a licensee shall display his or
23 her license to a law enforcement officer upon the request of the law enforcement
24 officer.

BILL

1 (2m) LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (c) and
 2 (d), the department shall design the license document for licenses issued under this
 3 section. The department shall complete the design of the license document no later
 4 than the first day of the 4th month beginning after the effective date of this
 5 paragraph [revisor inserts date], and shall distribute the design for the license
 6 document to any sheriff who issues licenses under sub. (2) (a) or (c) for the sheriff to
 7 use for licenses that he or she issues under this section.

8 (am) The department shall establish a unique code number for each county of
 9 this state for use as a prefix to the identification number required under par. (c) 8.

10 (b) A license issued under this section shall be a single document, with the
 11 information specified in par. (c) appearing on one side.

12 (c) One side of the license document shall include all of the following:

- 13 1. The full name, date of birth and residence address of the licensee.
- 14 2. A color photograph of the licensee.
- 15 3. A physical description of the licensee, including gender, height, weight and
 16 hair and eye color.

17

4. The date of issuance of the license. *on which* was issued

18

5. The date of expiration of the license. *on which* expires

19 6. The name of this state.

20 7. The name of the county of the sheriff who issues the license or, if the license
 21 is issued by 2 or more sheriffs acting jointly under sub. (2) (c), the name of the county
 22 designated under the agreement.

23 8. A unique identification number for each licensee that begins with the code
 24 number for the county established by the department under par. (am).

BILL

1 (d) 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 of transportation to produce an operator's license
4 under s. 343.17.

^(CS)
A PERSON MUST HAVE TO GET A

5 **(3) QUALIFICATIONS ~~FOR~~ LICENSE.** An individual is eligible for a license under this
6 section if he or she satisfies all of the following:

- 7 (a) The individual is at least 21 years of age.
- 8 (b) The individual is a resident of the United States.
- 9 (c) The individual does not suffer from a physical disability that prevents him
10 or her from safely handling a weapon.

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

12 (e) During the 3-year period immediately preceding the date on which he or
13 she submits an application under sub. [✓](7), the individual has not been civilly
14 committed under s. 51.20[✓] for being drug [✓]dependent.

15 (f) During the 3-year period immediately preceding the date on which he or she
16 submits an application under sub. [✓](7), the individual has not been convicted for any
17 violation, or for the solicitation, conspiracy or attempt to commit any violation, of ch.
18 961 or of a law of another state that is comparable to any provision of ch. [✓]961.

19 (g) The individual does not chronically and habitually use alcohol beverages or
20 other substances to the extent that his or her normal faculties are impaired. A person
21 is presumed chronically and habitually to use alcohol beverages or other substances
22 to the extent that his or her normal faculties are impaired if, within the 3-year period
23 immediately preceding the date on which he or she submits an application under sub.
24 [✓](7), any of the following applies:

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1 1. The individual has been committed for involuntary treatment under s. 51.45
2 (13).

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

4 3. The individual has been convicted 2 or more times of a violation of s. 346.63,
5 of a local ordinance in conformity with s. 346.63 of a law of another state that is

6 comparable to s. 346.63 *or of a law of a federally recognized American Indian tribe in conformity with or comparable to s. 346.63*

7 (i) The individual has done one of the following:

8 2. Successfully completed a National Rifle Association firearm training or
9 firearm safety course.

10 3. Successfully completed a firearm training or firearm safety course or class
11 conducted by an instructor certified either by the state in which the course was
12 conducted or by the National Rifle Association.

13 4. Successfully completed a firearm safety or firearm training course or class
14 that is available to the general public and that is offered by a law enforcement agency,
15 a private or public school, institution or organization or a firearm training school, if
16 the course or class uses instructors certified by the National Rifle Association or the
17 department or if the curriculum meets the minimum requirements of the law
18 enforcement standards board.

19 5. Successfully completed a firearm safety or firearm training course or class
20 offered for law enforcement officers, correctional officers, special deputies, private
21 detectives licensed under s. 440.26, or other security or law enforcement personnel.

22 6. Participated in organized shooting competitions or military training that
23 gave the applicant experience with firearms that the sheriff determines is
24 substantially equivalent to any course or class specified in subs. 2. to 5.

BILL

1 7. Participated in military firearms training that gave the applicant experience
2 with firearms that the sheriff determines is substantially equivalent to any course
3 or class specified in subds. 2. to 5., if the applicant is serving in the U.S. armed forces
4 or has received a discharge from the armed forces under conditions other than
5 dishonorable.

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

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

17 (L) The individual has not been charged with a felony or a misdeemeanor crime of violence for
18 which the prosecution was suspended under a deferred prosecution agreement
19 unless 3 years have elapsed since the charge was dismissed.

20 (m) The individual has not submitted an application for a license under this
21 section to another county and had the application denied.

22 (4) MISDEMEANOR CONVICTIONS; DENIAL OF LICENSE. A sheriff may deny a license
23 to an individual who has been found guilty of one or more misdeemeanor crimes of violence unless
24 the individual has been discharged from all sentences or periods of probation in

BILL

1 connection with the crimes 3 or more years before the date on which the individual
2 submits an application under sub. (7).

3 (5) FORM OF APPLICATION. The department shall design an application form for
4 use by individuals who apply for a license under this section. The department shall
5 complete the design of the application form no later than the first day of the 4th
6 month beginning after the effective date of this subsection [revisor inserts date],
7 and shall distribute the design for the application form to any sheriff who issues
8 licenses under sub. (2) (a) or (c) for use in making application forms for licenses under
9 this section. The application form designed by the department shall include all of the
10 following:

11 (a) The name and address of the applicant.

12 (b) The date of birth of the applicant.

13 (c) The applicant's race, gender, height, weight and hair and eye color.

14 (d) The applicant's social security number.

15 (e) A statement that the applicant is eligible for a license under the
16 requirements specified in subs. (3) and (4).

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

20 (g) A statement that the applicant has received a copy of this section and
21 understands the requirements of this section.

22 (h) A statement that the application is being made under oath and that an
23 applicant may be prosecuted for violating s. 946.32 if he or she gives a false answer
24 to any question on the application or submits a falsified document with the
25 application.

BILL

1 (i) A statement of the penalties for violating s. 946.32. ✓

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

5 (7) SUBMISSION OF APPLICATION. An applicant for a license under this section
6 shall submit all of the following to the sheriff to whom he or she is applying for a
7 license:

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

10 (bd) A license fee set by the sheriff issuing the license that does not exceed
11 either the cost to the sheriff of issuing a license to an individual under this section,
12 including the cost of equipment purchase or rental, or \$75, whichever is less.

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

14 (bp) A shooting range improvement fee of \$15.

15 (bt) A law enforcement excellence fund fee of \$15. ✓

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

18 (d) A photocopy of a certificate or other evidence showing the applicant's
19 qualifications under sub. (3) (i). ✓

20 (e) A ~~full face~~ ^{front view} photograph of the applicant taken within the 30-day period
21 immediately preceding the date of the applicant's application.

22 (8) FINGERPRINTING BY SHERIFF. A sheriff shall provide fingerprinting service
23 at no additional charge to an applicant for a license or for renewal of a license under
24 this section.

BILL

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

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

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

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

15 1. Issue the license.

16 2. Deny the application if the applicant fails to qualify under the criteria
17 specified in subs. (3) and (4). If the sheriff denies the application, he or she shall
18 inform the applicant in writing, stating the ground for denial.

19 (c) Except as provided in sub. (9r), a sheriff may not issue a license until 7 days,
20 subject to extension under sub. (9g) (b) 3. c., have elapsed from the time that the
21 sheriff has received a confirmation number regarding the firearms restrictions
22 record search under sub. (9g) (b) from the department and the sheriff has not been
23 notified that the applicant is not qualified for a license under sub. (3) (d), (f), (g) 2.
24 or 3. or (L) or (4).

BILL

1 (9g) FIREARMS RESTRICTIONS RECORD SEARCHES. (a) A sheriff shall request the
2 department to conduct a firearms restrictions record search by calling the
3 department, using a toll-free telephone number provided by the department, and
4 providing the department with the name, date of birth, gender, race and social
5 security number of the applicant.

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

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

10 2. The department shall conduct the firearms restrictions record search
11 regarding an applicant for a license under this section. In conducting a search under
12 this subdivision, the department shall use the transaction information for
13 management of enforcement system and the national crime information center
14 system.

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

18 a. If the search indicates that the applicant does not qualify for a license under
19 sub. (3) (d), (f), (g) 2. or 3. or (L) or (4), the department shall provide the sheriff with
20 a unique nonapproval number. The department shall disclose to the sheriff the
21 reason the applicant does not qualify for a license under sub. (3) (d), (f), (g) 2. or 3.
22 or (L) or (4).

23 b. If the search indicates that the applicant is qualified for a license under sub.
24 (3) (d), (f), (g) 2. or 3. or (L) or (4), the department shall provide the sheriff with a
25 unique approval number.

BILL

1 c. If the search indicates a criminal charge without a recorded disposition, the
2 deadline under sub. (9) (c) is extended to the end of the 3rd complete working day
3 commencing after the day on which the finding is made. The department shall notify
4 the sheriff of the extension as soon as practicable. During the extended period, the
5 department shall make every reasonable effort to determine the disposition of the
6 charge and notify the sheriff of the results as soon as practicable.

7 (bm) The department shall conduct the search under par. (b) immediately if,
8 when requesting the search under par. (a), the sheriff informs the department that
9 the search is for an applicant for an emergency license under sub. (9r).

10 (c) The department shall charge a sheriff a fee of \$8 for each firearms
11 restrictions record search that the sheriff requests under par. (a), except that the
12 department shall waive the fee if, when requesting the search, the sheriff informs
13 the department that the fee is being waived under sub. (9r) (d). The sheriff shall
14 collect the fee from the applicant unless the fee is waived under sub. (9r) (d).

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

20 (e) 1. Except as provided in subd. 2. and as necessary to administer this section,
21 the department shall do all of the following:

22 a. Deny access to any record kept under this section.

23 b. Check each duplicate application form received under par. (d) against the
24 information recorded by the department regarding the corresponding request for a
25 firearms restrictions record search under this subsection. If the department

BILL

1 previously provided a unique approval number regarding the request and nothing
2 in the duplicate completed application form indicates that the applicant is not
3 qualified for a license under sub. (3) (d), (f), (g) 2. or 3. or (L) or (4), the department
4 shall destroy all records regarding that firearms restrictions record search within 30
5 days after receiving the duplicate form.

6 2. Notwithstanding subd. 1., the department may maintain records necessary
7 to administer this subsection and, for a period of not more than 3 years after the
8 department issues a unique approval number, a log of dates of requests for firearms
9 restrictions record searches under this subsection together with confirmation
10 numbers and unique approval and nonapproval numbers corresponding to those
11 dates.

12 (9r) EMERGENCY LICENSE. (a) A sheriff may issue a license under this section
13 to an individual who does not satisfy the requirements under sub. (3) (i) if the sheriff
14 determines that the individual is in imminent danger of death.

15 (b) If a sheriff decides to issue a license under par. (a), he or she shall notify the
16 department and request an immediate firearms restrictions record search under
17 sub. (9g).

18 (c) 1. Except as provided in subd. 2., a license issued under par. (a) is valid for
19 120 days from the date on which it is issued and may not be renewed.

20 2. A license issued under par. (a) is valid for the ~~same~~ ^{specified} period ~~as a license issued~~
21 under sub. (2)(a) and may be renewed in the same way as a license issued under sub.

22 (15) (b) if all of the following apply:

23 a. The individual satisfies the requirement under sub. (3) (i) no later than 120
24 days from the date on which the license is issued.

BILL

1 b. A background check under sub. (9g) does not indicate that the person fails
2 to meet any of the qualifications under sub. (3) (d), (f), (g) 2. or 3. or (L) or (4).

3 (d) Notwithstanding sub. (7) (bd), (bh), (bp) and (bt), a sheriff may waive the
4 fees required under sub. (7) (bd), (bh), (bp) and (bt) for an individual who is applying
5 for a license under par. (a) if requiring the individual to pay the fees creates a
6 hardship for the individual.

7 (10) EXEMPTION FROM BACKGROUND CHECK. Notwithstanding sub. (9) (a), a
8 sheriff shall issue a license under this section to any of the following individuals
9 without requesting the background checks required under sub. (9) (a):

10 (a) A law enforcement officer.

11 (b) A correctional officer.

12 (c) A probation and parole agent.

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

15 (11) LIST OF LICENSEES. (a) A sheriff who issues licenses to carry a concealed
16 weapon under this section shall, within 5 days after issuing a license, notify the
17 department that he or she has issued a license under this section and provide the
18 department with the information specified in sub. (2m) (c) concerning the individual
19 to whom the license was issued.

20 (am) The department shall maintain a computerized record listing the names
21 of all individuals who have been issued a license under this section along with the
22 information concerning each individual that is provided to the department by a
23 sheriff under par. (a).

BILL

1 (b) Notwithstanding s. 19.35 and except as provided in par. (c), the department
2 may not make the computerized record under par. (am) or any information from that
3 computerized record available to any person.

4 (c) The department shall provide information concerning a specific individual
5 listed on the computerized list under par. (am) to a law enforcement agency if the law
6 enforcement agency is requesting the information for any of the following purposes:

7 1. To confirm that a license produced by the individual at the request of a law
8 enforcement officer is valid.

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

12 (12) UPDATED INFORMATION. No later than 30 days after changing his or her
13 address, an individual licensed under this section shall inform the sheriff who issued
14 the license of his or her new address. The sheriff shall provide the individual's new
15 address to the department for inclusion in the list under sub. (11) (am).

16 (13) LOST OR DESTROYED LICENSE. No later than 30 days after losing his or her
17 license or after his or her license is destroyed, an individual licensed under this
18 section shall submit to the sheriff who issued the license a notarized statement that
19 his or her license has been lost or destroyed. The sheriff shall issue a replacement
20 license upon receiving the notarized statement and a replacement license fee of \$15.

21 (14) LICENSE DENIAL; DISCIPLINE. (a) A sheriff shall deny an application for a
22 license under this section or suspend or revoke a license that he or she issued under
23 this section if the applicant or licensee does any of the following:

24 1. No longer meets all of the criteria specified in subs. (3) and (4).

25 3. Is convicted of a felony or a crime of violence.

Misdemeanor

BILL

1 5. Is convicted of any violation, or any solicitation, conspiracy or attempt to
2 commit a violation, of ch. 961 or of a law of another state that is comparable to any
3 provision of ch. 961.

4 6. Is involuntarily committed for treatment under s. 51.20.

5 7. Is involuntarily committed for treatment as a chronic alcoholic under s.
6 51.45.

*or of a law of a federally recognized
American Indian tribe that is comparable
to s. 346.63; or band*

7 8. Is convicted of a 2nd violation of s. 346.63, of a law of another state that
8 is comparable to a violation of s. 346.63, within 3 years of a previous conviction. For
9 purposes of this subdivision, the first violation of s. 346.63, of a law of another state
10 that is comparable to a violation of s. 346.63, may have occurred before the date on
11 which the individual submitted his or her application for a license under this section.

12 9. Is found incompetent under ch. 880.

13 (am) 1. If a licensee is arrested or charged with a crime that would disqualify
14 him or her from having a license under this section, the sheriff shall suspend the
15 licensee's license until judgment is entered in the case. If the charge is dismissed or
16 the licensee is acquitted, the sheriff shall restore the licensee's license. If the person
17 is convicted, the sheriff shall revoke the licensee's license.

18 2. If an applicant for a license under this section is arrested or charged with a
19 crime that would disqualify him or her from having a license under this section, the
20 sheriff shall deny the application. Notwithstanding sub. (3) (m), if the charge is
21 dismissed or the applicant is acquitted, the applicant may reapply for a license.

22 ~~(b) A sheriff may deny an application for a license under this section or may~~
23 ~~revoke a license that he or she issued under this section if the applicant or licensee~~
24 ~~is convicted of one or more crimes of violence during any 3-year period.~~

BILL

1 (c) 1. A person aggrieved by any action by a sheriff under this subsection may
2 appeal directly to the circuit court of the sheriff's county or, if applicable, to the circuit
3 court of the county of issuance designated under sub. (2) (c).

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

12 3. A copy of the petition shall be served upon the sheriff either personally or
13 by registered or certified mail within 5 days after the person files his or her petition
14 under subd. 2.

15 4. The sheriff shall file an answer within 15 days after being served with the
16 petition under subd. 3. The answer shall include a brief statement of the actions
17 taken by the sheriff, and a copy of any documents or records on which the sheriff
18 based his or her action shall be included with the answer when filed.

19 5. The court shall review the petition, answer and any records or documents
20 submitted with the petition or answer. The review under this subdivision shall be
21 conducted by the court without a jury and shall be confined to the petition, answer
22 and any records or documents submitted with the petition or answer, except that in
23 cases of alleged irregularities in procedure by the sheriff the court may take
24 testimony that the court determines is appropriate.

BILL

1 6. The court shall affirm the sheriff's action unless the court finds any of the
2 following:

3 a. That the sheriff failed to follow procedure prescribed under this section.

4 b. That the sheriff erroneously interpreted a provision of law and a correct
5 interpretation compels a different action.

6 c. That the sheriff's action depends on a finding of fact that is not supported
7 by substantial evidence in the record.

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

Except as provided in sub. (9r)
(c) 1. a

10 (15) LICENSE EXPIRATION AND RENEWAL. (a) license issued under this section
11 is valid for a period of 5 years after the date on which the license is issued unless the
12 license is suspended or revoked under sub. (14).

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

17 1. Submits a renewal application on the form provided by the sheriff.

18 2. Submits a notarized affidavit stating that he or she remains qualified under
19 subs. (3) and (4).

20 4. Pays all of the following:

21 a. A fee set by the sheriff that does not exceed the cost to a sheriff of renewing
22 a license issued under this section, including the cost of equipment purchase or
23 rental.

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

25 c. A shooting range improvement fee of \$15.

BILL

1 d. A law enforcement excellence fund fee of \$15.

2 (c) The sheriff shall request the department to conduct a firearms restrictions
3 record search of a licensee as provided under sub. (9g) before renewing the licensee's
4 license under par. (b).

5 (d) 1. Except as provided in subd. 2., if a licensee submits a renewal application
6 under par. (b) after the expiration date of the license he or she shall be assessed a late
7 fee of \$15.

8 2. If a licensee does not submit a renewal application under par. (b) before 6
9 months after the date the license expires, the license shall permanently expire. A
10 licensee whose license has permanently expired may be issued a new license if he or
11 she applies for a license as provided under sub. (7).

12 (16) PROHIBITED ACTIVITY. (a) No licensee may carry a concealed weapon in any
13 of the following places:

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

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

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

20 4. A courthouse, except that a judge who is a licensee may carry a concealed
21 weapon in a courthouse in which he or she is presiding in court or may permit in
22 writing any other licensee to carry a concealed weapon in a courthouse in which he
23 or she is presiding in court.

BILL

1 8. A place at which a school, college or professional athletic event is taking
2 place, unless the event is related to firearms and the licensee is a participant in the
3 event.

4 9. A school administration building.

5 10. Any premises for which a Class "B" or "Class B" license or permit has been
6 issued under ch. 125, except as provided under s. 941.237.

7 14. An airport, unless the weapon is encased for shipment as baggage to be
8 transported by aircraft.

9 15. A place in which the carrying of a weapon is prohibited under s. 948.61.

10 16. A place in which the carrying of a weapon is prohibited by federal law.

11 (c) A licensee may not carry a concealed weapon if he or she is prohibited from
12 possessing a dangerous weapon under s. 969.02 (3) (c) or 969.03 (1) (c).

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

15 (b) A licensee who violates sub. (16) may be fined not more than \$1,000 or
16 imprisoned for not more than 90 days or both.

17 (19) STATISTICAL REPORT. (a) By February 1 of each year, a sheriff who is issuing
18 or renewing licenses under this section shall submit a statistical report to the
19 department indicating the number of licenses applied for, issued, denied, suspended
20 and revoked under this section during the previous calendar year. For the licenses
21 denied, the report shall indicate the reasons for the denials and the part of the
22 application process during which the reasons for denial were discovered. For the
23 licenses suspended or revoked, the report shall indicate the reasons for the
24 suspensions and revocations.

BILL

1 (b) By March 1 of each year, the department shall submit a statistical report
 2 to the legislature under s. 13.172 (2) and to the governor that is compiled from the
 3 reports submitted under par. (a) and that indicates the number of licenses applied
 4 for, issued, denied, suspended and revoked under this section during the previous
 5 calendar year. For the licenses denied, the report shall indicate the reasons for the
 6 denials and the part of the application process in which the reasons for denial were
 7 discovered. For the licenses suspended or revoked, the report shall indicate the
 8 reasons for the suspensions and revocations.

9 (20) LAW ENFORCEMENT EXCELLENCE FUND. (a) If a county's sheriff issues licenses
 10 on his or her own under sub. (2) (a) or through an agreement under sub. (2) (c), the
 11 county board shall establish a law enforcement excellence fund. All money collected
 12 by a sheriff under subs. (7) (bt) and (15) (b) 4. d. shall be deposited in accordance with
 13 s. 59.25 (3) (u) 4. in the law enforcement excellence fund established under this
 14 subsection.

15 (b) A law enforcement excellence fund established under this subsection shall
 16 be used to improve law enforcement services in the county and may not be used to
 17 supplant or replace other funds otherwise available to the sheriff.

18 SECTION 9. 440.26 (3r) of the statutes is created to read:

19 440.26 (3r) CARRYING OF CONCEALED WEAPONS BY PRIVATE DETECTIVE. An
 20 individual who is licensed as a private detective under this section and who is
 21 licensed under s. 175.50 to carry a concealed weapon may carry a concealed weapon
 22 as permitted under s. 175.50, including while he or she acting as a private detective.

23 SECTION 10. 941.23 of the statutes is amended to read:

24 **941.23 Carrying concealed weapon.** Any person except a peace officer, a
 25 person licensed under s. 175.50 or a person licensed to carry a concealed weapon in

Proposed statute

BILL

prev. s. 175.50

1 another state who goes armed with a concealed and dangerous weapon is guilty of
2 a Class A misdemeanor.

3 **SECTION 11.** 941.235 (2) of the statutes is amended to read:

4 941.235 (2) This section does not apply to peace officers or armed forces or
5 military personnel who go armed in the line of duty, to any individual licensed under
6 s. 175.50 to carry a concealed weapon who is carrying a concealed weapon as
7 permitted under s. 175.50, or to any person duly authorized by the chief of police of
8 any city, village or town, the chief of the capitol police or the sheriff of any county to
9 possess a firearm in any building under sub. (1).

10 **SECTION 12.** 941.295 (2) (bm) of the statutes is created to read:

11 941.295 (2) (bm) Any person licensed to carry a concealed weapon under s.
12 175.50.

13 **SECTION 13.** 948.605 (2) (b) 4m. of the statutes is created to read:

14 948.605 (2) (b) 4m. By an individual licensed under s. 175.50 to carry a
15 concealed weapon who is carrying a concealed weapon as permitted under s. 175.50;

16 (END)

D-kbte

INS 3-10



Section #. 25.29 (1) (a) of the statutes is amended to read:

25.29 (1) (a) Except as provided in s. 25.295, all moneys accruing to the state for or in behalf of the department under chs. 26, 27, 28, 29 and 350, subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325 to 23.42, 23.50 to 23.99, 30.50 to 30.55, 70.58 and 71.10 (5), including grants received from the federal government or any of its agencies except as otherwise provided by law.

~~History: 1971 c. 125; 1973 c. 90; 1977 c. 29; 1977 c. 418 ss. 244, 245, 929 (37); 1979 c. 34 ss. 767v, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1983 a. 27 ss. 636m, 637, 2202 (38); 1985 a. 29 ss. 638g, 3202 (39); 1985 a. 135; 1987 a. 27; 1987 a. 312 s. 17; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27; 1995 a. 257 s. 3; 1997 a. 1, 27, 248.~~

and 75.50 (7) (6p)
and (15) (b) 4. c.

1102 / 1 day

LRB-1030/1 dr

JED :

cmj:kg

D-Note

It This is a redraft of 1997
LRB-1030/1. I made a few minor
changes for the purpose of greater
clarity. Please review the draft
carefully to make sure that it does
what you want it to.
Pl let me know if you have any
questions or changes.

JED

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1102/1dn
JEO:cmh&kg:hmh

Monday, January 4, 1999

This is a redraft of 1997 LRB-1030/1. I made a few minor changes for the purpose of greater clarity. Please review the draft carefully to make sure that it does what you want it to.

Let me know if you have any questions or changes.

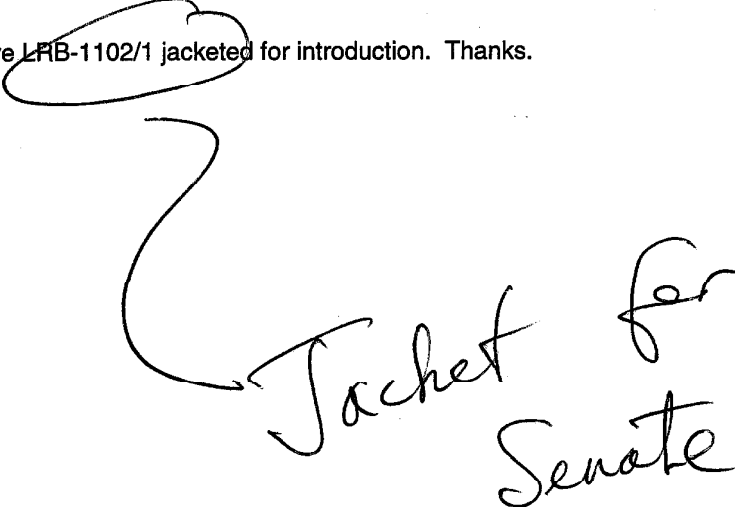
Jefren E. Olsen
Legislative Attorney
266-8906

Olsen, Jefren

From: Seitz, Robert
Sent: Tuesday, September 28, 1999 10:16 AM
To: Olsen, Jefren
Subject: LRB-1102/1 - Personal Protection Act

Please have LRB-1102/1 jacketed for introduction. Thanks.

Bob



Jacket for
Senate