

2001 ASSEMBLY BILL 529

October 8, 2001 – Introduced by Representatives MUSSER, PETTIS, SUDER, NASS, KAUFERT, BIES, GUNDERSON, OWENS, SYKORA, GROTHMAN and HUEBSCH. Referred to Committee on Criminal Justice.

1 **AN ACT** *to renumber and amend* 941.23 and 941.235 (2); and *to create* 941.23
2 (1), 941.235 (2) (b) and 941.237 (3) (am) of the statutes; **relating to:** retired
3 peace officers carrying a weapon.

Analysis by the Legislative Reference Bureau

Current law contains a number of prohibitions relating to carrying weapons. First, current law prohibits a person from carrying 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. Second, current law prohibits a person from going armed with a firearm in a government building. A person who violates this prohibition may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. Third, current law generally prohibits a person from intentionally going armed with a handgun in a tavern or a restaurant with a liquor license. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both. None of these prohibitions, however, apply to a peace officer, which is a person vested by law with a duty to maintain public order to make arrests for crime.

This bill exempts retired peace officers from the coverage of the prohibitions described above. The bill defines a “retired peace officer” as a person who has retired from active service as a peace officer and who, immediately upon retirement from

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active service, qualified for a pension based at least in part on his or her service as a peace officer.

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

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

3 941.23 (2) Any person except a peace officer or a retired peace officer who goes
4 armed with a concealed and dangerous weapon is guilty of a Class A misdemeanor.

5 **SECTION 2.** 941.23 (1) of the statutes is created to read:

6 941.23 (1) In this section, “retired peace officer” means a person who has
7 retired from active service as a peace officer and who, immediately upon retirement
8 from active service, qualified for an annuity under the Wisconsin retirement system,
9 the retirement system of any 1st class city, or any retirement system established
10 under chapter 201, laws of 1937.

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

13 941.235 (2) (intro.) This section does not apply to any of the following:

14 (a) A peace officers or armed officer.

15 (c) Armed forces or military personnel who go armed in the line of duty ~~or to any.~~

16 (d) Any person duly authorized by the chief of police of any city, village or town,
17 the chief of the capitol police or the sheriff of any county to possess a firearm in any
18 building under sub. (1).

19 **SECTION 4.** 941.235 (2) (b) of the statutes is created to read:

20 941.235 (2) (b) A retired peace officer, as defined in s. 941.23 (1).

21 **SECTION 5.** 941.237 (3) (am) of the statutes is created to read:

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1 941.237 **(3)** (am) A retired peace officer, as defined in s. 941.23 (1).

2 **(END)**