

2001 DRAFTING REQUEST

Bill

Received: **03/22/2001**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing: **himself**

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

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

Extra Copies: **rlr**

Submit via email: **NO**

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Concealed weapons

Instructions:

Permit retired law enforcement officers to carry concealed weapons

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 05/24/2001	jdyer 05/25/2001					
/1		jdyer 05/31/2001	rschluet 05/29/2001		lrb_docadmin 05/29/2001		
/2			jfrantze 05/31/2001		lrb_docadmin 05/31/2001	lrb_docadmin 05/31/2001	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

None needed

<END>

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/1		1/2 5/31 jld	rschluet 05/29/2001		lrb_docadmin 05/29/2001		

for Assen.

FE Sent For:

Handwritten signatures and dates: 5/31, 5/31

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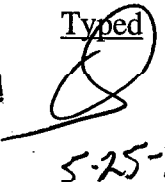
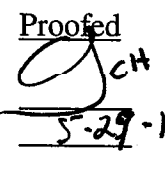
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/?	mdsida	1/5/25 jld	 5-25-1	 5-29-1			

FE Sent For:

<END>

P.L. from Reg Member

1 Not Fired

Eligible for pension

if that doesn't work, ~~by~~ ^{require} use 15 yrs of service

Dsida, Michael

From: Champagne, Rick
Sent: Thursday, May 24, 2001 10:18 AM
To: Dsida, Michael
Subject: RE:

No, if you wish to cover that person as well, it should read the person "**is receiving an annuity** or qualifies for an
> immediate annuity under the Wisconsin retirement system, the
> retirement system of any 1st class city, or any retirement
> system established under chapter 201, laws of 1937."

No, if you wish to limit it to someone who retired as a law enforcement officer, you would also need to include language specifying that the person terminated employment while serving as a law enforcement officer and is receiving ...

If you want to talk it through, let me know and I'll come down.

-----Original Message-----

From: Dsida, Michael
Sent: Thursday, May 24, 2001 10:10 AM
To: Champagne, Rick
Subject: RE:

Does the "qualifies for" language include someone who is currently receiving a pension?

Does the language include someone who worked both as a peace officer and in some other government job, either before or after working as a peace officer? (I assume that there are people who qualify for an annuity only if you look at the total amount of time they work for THE MAN.)

> -----Original Message-----

> **From:** Champagne, Rick
> **Sent:** Wednesday, May 23, 2001 2:55 PM
> **To:** Dsida, Michael
> **Subject:**

>

> Mike:

>

> Here's the phrase you need: the person "qualifies for an
> immediate annuity under the Wisconsin retirement system, the
> retirement system of any 1st class city, or any retirement
> system established under chapter 201, laws of 1937."

>

>

> The Wisconsin retirement system covers all state and local
> law enforcement officers, except those employed by Milwaukee
> County and the city of Milwaukee.

>

> The retirement system of any 1st class city is the city of
> Milwaukee retirement system.

>

> And the reference to any retirement system established under
> chapter 201, laws of 1937 is the Milwaukee County retirement system.

>

> Rick



State of Wisconsin
1999 - 2000 LEGISLATURE

293211
LRB-4505/PL
JEO:kg:km
msd jld

Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

from active service

soon

NO # and who, immediately upon retirement, based on his or her service as a peace officer

Regen

1 AN ACT to renumber and amend 941.23; and to create 941.23 (2) of the
2 statutes; relating to: exempting retired peace officers from the prohibition
3 against carrying a concealed weapon. ✓

Analysis by the Legislative Reference Bureau

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. The prohibition does not apply to a peace officer, which is any person vested by law with a duty to maintain public order to make arrests for crime. This bill provides that the prohibition against carrying a concealed and dangerous weapon also does not apply to person who has retired from active service as a peace officer.

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

PWF
4
5
6
7

SECTION 1. 941.23^X of the statutes is renumbered 941.23 (1) and amended to read:
941.23 (1) Any person except a peace officer ✓ who goes armed with a concealed and dangerous weapon is guilty of a Class A misdemeanor.

1
2
3
4
5

[✓]
SECTION 2. 941.23 (2) of the statutes is created to read:

941.23 (2) Subsection (1) [✓] does not apply to any of the following:

(a) A peace officer.

(b) A person who has retired from active service as a peace officer[✓]

(END)

~~QA~~

[✓]
INS 214

D-note

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-298²2/lins
MGD:.....

1

INSERT 2/4

2

^{NO}
~~ff~~ and who, immediately upon retirement from active service, qualified for an

3

annuity under the Wisconsin retirement system, [✓] the retirement system of any 1st

4

class city, or any retirement system established under chapter 201, laws of 1937 ^{NO}
~~ff~~

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2992/1dn
MGD:mg.km

jld

February 9, 2000 } new date

but only if the person's
final job ^{was} as a
peace officer

Rep. Musser:

1. The language regarding pension eligibility would cover a person whose eligibility is based partly on his or her service as a peace officer and partly on his or her work in some other government position. Is that okay?
2. Do you want to exempt retired peace officers from the prohibitions under s. 941.235 or 941.237, stats.?

Please let me know if you have any questions or changes.

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

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

LRB-2922/1dn
MGD:jld:rs

May 29, 2001

Rep. Musser:

1. The language regarding pension eligibility would cover a person whose eligibility is based partly on his or her service as a peace officer and partly on his or her work in some other government position, but only if the person's final job was as a peace officer. Is that okay?

2. Do you want to exempt retired peace officers from the prohibitions under s. 941.235 or 941.237, stats.?

Please let me know if you have any questions or changes.

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

*Plc from Rep Musser
1) ok
2) yes*



2001 BILL

retrieve
from hold

Regen

1 AN ACT to renumber and amend 941.23; and to create 941.23 (2) of the
2 statutes; relating to: ~~exempting~~ retired peace officers from ~~the prohibition~~
3 ~~against~~ carrying a ~~concealed~~ weapon. ✓

Analysis by the Legislative Reference Bureau

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. The prohibition does not apply to a peace officer, which is any person vested by law with a duty to maintain public order to make arrests for crime. This bill provides that the prohibition against carrying a concealed and dangerous weapon also does not apply to person who has retired from active service as a peace officer and who, immediately upon retirement from active service, qualified for a pension based at least in part on his or her service as a peace officer.

a retired peace officer who will act as a

Analysis insert

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

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

2

BILL

or a retired peace officer ✓

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

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

4 941.23 (2) Subsection (1) does not apply to any of the following:

In this section, "retired peace officer" means a

5 (a) ~~A~~ peace officer.

6 (b) ~~A~~ person who has retired from active service as a peace officer and who,
7 immediately upon retirement from active service, qualified for an annuity under the
8 Wisconsin retirement system, the retirement system of any 1st class city, or any
9 retirement system established under chapter 201, laws of 1937.

10

(END)

Insert ✓
2/9

1 analysis INSERT

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 ~~or~~ a person vested by law with a duty to maintain public order to make arrests for crime. ^{which is}

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

2 INSERT 2/9

3 SECTION 1. 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and
4 amended to read:

5 941.235 (2) (intro.) This section does not apply to any of the following:

6 (a) A peace officers officer or armed.

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

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

History: 1979 c. 221; 1991 a. 172; 1993 a. 246.

11 SECTION 2. 941.235 (2) (b) of the statutes is created to read:

12 941.235 (2) (b) A retired peace officer, as defined in s. 941.23 (1).

13 SECTION 3. 941.237 (3) (am) of the statutes is created to read:

14 941.237 (3) (am) A retired peace officer, as defined in s. 941.23 (1).