

2001 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB529)

Received: 10/24/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Mark Pettis (608) 267-2365

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: **Criminal Law - guns and weapons
Transportation - driver licenses**

Extra Copies: **rlr
tnf**

Submit via email: YES

Requester's email: **Rep.Pettis@legis.state.wi.us**

Carbon copy (CC:) to: **Rep.Musser@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Concealed weapons

Instructions:

See Attached

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>
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/1			jfrantze 10/26/2001	_____	lrb_docadmin 10/26/2001	lrb_docadmin 10/26/2001	lrb_docadmin 10/26/2001

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

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1?	mdsida	1/10/25 jw	10/26	10/26			

FE Sent For:

<END>

Sub. ————— Every 2 yrs handgun certification course
tech colleges

Not to exceed 8 hrs

Amend.



Equivalent

~~Photo~~

DOT - ID cards

~~Photo~~

Retired peace officer

Carry a card as a cond'n.

~~Amend~~ Pettis

~~Amend~~



State of Wisconsin
2001 - 2002 LEGISLATURE

50220/1
LRB-19222
MGD (ldj) f
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JTNF

FR 1
2 PM

2001 BILL

and the content of operators' licenses and identification cards issued by the department of transportation and requiring the exercise of rule-making authority

regen cat

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.

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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 ^{qualified} 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, ^{Q (b)} "retired peace officer" means a person who has
7 retired from active service as a ^{Q INsent 2/0} 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) ^{qualified} 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 ^{qualified} retired peace officer, as defined in s. 941.23 (1) ^(a)

2

(END)

Insert 3/1 ✓

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0220/lins
MGD&TNF:.....

1 **INSERT 2/0**

2 **SECTION 1.** 343.14 (2) (j) ✓ of the statutes is created to read:

3 343.14 (2) (j) A question as to whether, if the applicant is a retired peace officer,
4 he or she wishes to have the department ✓ include on the license document the
5 designation described under s. 343.17 (3) (a) 14. ✓

6 **SECTION 2.** 343.17 (3) (a) 14. ✓ of the statutes is created to read:

7 343.17 (3) (a) 14. If the person has requested the inclusion of the designation
8 under s. 343.14 (2) (j) ✓ and the department has verified that the person is a retired
9 peace officer under rules promulgated under s. ~~343.17~~ ^{sub.} (6), a designation that the
10 person is a retired peace officer.

11 **SECTION 3.** 343.17 (6) ✓ of the statutes is amended to read:

12 343.17 (6) RULES. Subject to subs. (2) and (3), the department shall promulgate
13 rules setting the design and specifications for the license document and subsequent
14 changes thereto. The rules shall also include procedures for verifying whether an
15 applicant is a retired peace officer, as defined in s. ~~943.23~~ (1) (b), for the purposes of
16 the designation under s. 343.17 (3) (a) 14. ✓

History: 1971 c. 140; 1977 c. 29 s. 1654 (7) (a); 1977 c. 124, 272; 1979 c. 89, 306, 355; 1981 c. 20; 1985 a. 316 s. 25; 1989 a. 105, 298; 1991 a. 269; 1993 a. 19; 1995 a. 113; 1997 a. 27; 1999 a. 9, 140.

17 **SECTION 4.** 343.19 (1) of the statutes is amended to read:

18 343.19 (1) If a license issued under this chapter or an identification card issued
19 under s. 343.50 is lost or destroyed or, the name or address named in the license or
20 identification card is changed or, the condition specified in s. 343.17 (3) (a) 12. or 13.
21 no longer applies, or the condition specified in s. 343.17 (3) (a) 14. applies, the person
22 to whom the license or identification card was issued may obtain a duplicate thereof
23 or substitute therefor upon furnishing proof satisfactory to the department of name



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1 and date of birth and that the license or identification card has been lost or destroyed
 2 or that application for a duplicate license or identification card is being made for a
 3 change of address or name or, because the condition specified in s. 343.17 (3) (a) 12.
 4 or 13. no longer applies, or because the condition specified in s. 343.17 (3) (a) 14.
 5 applies. If the original license or identification card is found it shall immediately be
 6 transmitted to the department. Duplicates of nonphoto licenses shall be issued as
 7 nonphoto licenses.

8 History: 1973 c. 218; 1977 c. 29 s. 1654 (7) (a); 1977 c. 360, 447; 1979 c. 306; 1981 c. 20 s. 1848r; 1987 a. 27, 40; 1989 a. 105; 1991 a. 39, 269; 1997 a. 27; 1999 a. 9, 80.
 9 **SECTION 5. 343.50 (4) of the statutes is amended to read:**

9 343.50 (4) APPLICATION. The application for an identification card shall include
 10 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm) and (br),
 11 such further information as the department may reasonably require to enable it to
 12 determine whether the applicant is entitled by law to an identification card and, for
 13 applicants who are aged 65 years or older, material, as provided by the department,
 14 explaining the voluntary program that is specified in s. 71.55 (10) (b). The
 15 department shall include on the application form the question described in s. 343.14
 16 (2) (j) and shall, as part of the application process, take a photograph of the applicant
 17 to comply with sub. (3). No application may be processed without the photograph
 18 being taken. Misrepresentations in violation of s. 343.14 (5) are punishable as
 19 provided in s. 343.14 (9). The rules promulgated under s. 343.17 (6) for verifying
 20 whether an applicant is a retired peace officer apply to applications for identification
 21 cards.

22 History: 1977 c. 360, 447; 1979 c. 226, 306; 1981 c. 20 s. 1848r; 1985 a. 29, 98; 1987 a. 27, 304; 1989 a. 105, 294, 298; 1991 a. 86, 269; 1995 a. 446; 1997 a. 27, 119, 191;
 1999 a. 9, 32, 80, 85, 88, 186.

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23 (a) "Qualified retired peace officer" means a retired peace officer who meets all
 24 of the following requirements:

↳

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1 1. Within the preceding 2-year period, the retired peace officer has successfully
 2 completed a course of 8 hours or less that is offered by a technical college and that
 3 covers the safe use and storage of a handgun or an equivalent course. This ^{subdivision} ~~paragraph~~
 4 does not apply during the 2-year period immediately following a retired peace
 5 officer's retirement from active service as a peace officer.

6 2. The retired peace officer holds a valid state identification card that contains
 7 the designation described in s. 343.17 (3) (a) 14. ✓

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8
 9 (c) "State identification card" ✓ means an operator's license issued under ch. 343
 10 that contains a photograph of the license holder or an identification card issued
 11 under s. 343.50. ✓

SECTION 6. 941.23 (3) ✓ of the statutes is created to read:

12
 13 941.23 (3) If he or she is carrying a concealed weapon, a ✓ qualified retired peace
 14 officer shall carry his or her state identification card and shall, upon the request of
 15 any law enforcement officer, display it to the law enforcement officer.

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SECTION 7. 941.235 (3) ✓ of the statutes is created to read:

16
 17
 18 941.235 (3) If he or she is carrying a firearm in a public building, a qualified
 19 retired peace officer, as defined in s. 941.23 (1) (a), ✓ shall carry his or her state
 20 identification card, as defined in s. 941.23 (1) (c), ✓ and shall, upon the request of any
 21 law enforcement officer, display it to the law enforcement officer.

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SECTION 8. 941.237 (3m) ✓ of the statutes is created to read:

22
 23
 24 941.237 (3m) If he or she is carrying a firearm on any premises for which a
 25 Class "B" or "Class B" license or permit has been issued under ch. 125, a qualified



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cont

1 retired peace officer, as defined in s. 941.23 (1) (a), shall carry his or her state
2 identification card, as defined in s. 941.23 (1) (c), and shall, upon the request of any
3 law enforcement officer, display it to the law enforcement officer.

4 **SECTION 9. Effective date.**

5 (1) This act takes effect on the first day of the 4th month beginning after
6 publication.

(end ins 3/1)