

**ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 2001 ASSEMBLY BILL 529**

November 1, 2001 – Offered by Representatives PETTIS, WOOD and MUSSER.

1     **AN ACT** *to renumber and amend* 941.23; *to amend* 51.20 (13) (cv) 4., 51.20 (16)  
2           (gm), 165.82 (1) (intro.), 343.19 (1), 343.50 (4), 813.12 (6) (am) 1., 813.12 (6) (am)  
3           2., 813.122 (9) (am) 1., 813.122 (9) (am) 2., 813.125 (5r) (a), 813.125 (5r) (b) and  
4           938.396 (8); and *to create* 165.87, 175.33, 343.14 (2) (j), 343.17 (3) (a) 14.,  
5           941.23 (1), 941.23 (3), 941.237 (1) (dr), 941.237 (3) (am) and 941.237 (3m) of the  
6           statutes; **relating to:** retired peace officers carrying a concealed weapon and  
7           the content of operators' licenses and identification cards issued by the  
8           department of transportation and requiring the exercise of rule-making  
9           authority.

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

10           **SECTION 1.** 51.20 (13) (cv) 4. of the statutes is amended to read:  
11           51.20 (13) (cv) 4. If the court prohibits a subject individual from possessing a  
12           firearm under subd. 1. or cancels a prohibition under subd. 2., the court clerk shall

1 notify the department of justice of that fact and provide any information identifying  
2 the subject individual that is necessary to permit an accurate involuntary  
3 commitment history record search under s. 175.33 or 175.35 (2g) (c). No other  
4 information from the subject individual's court records may be disclosed to the  
5 department of justice except by order of the court. The department of justice may  
6 disclose information provided under this subdivision only as part of an involuntary  
7 commitment history record search under s. 175.33 or 175.35 (2g) (c).

8 **SECTION 2.** 51.20 (16) (gm) of the statutes is amended to read:

9 51.20 (16) (gm) Upon a request under par. (a), a court may cancel the  
10 prohibition under sub. (13) (cv) 1. if the court determines, based on evidence  
11 presented on the issue of the subject individual's dangerousness, that there no longer  
12 is a substantial probability that the individual may use a firearm to cause physical  
13 harm to himself or herself or endanger public safety. If a court cancels a prohibition  
14 under sub. (13) (cv) 1. under this paragraph, the court clerk shall notify the  
15 department of justice of that fact and provide any information identifying the subject  
16 individual that is necessary to permit an accurate involuntary commitment record  
17 search under s. 175.33 or 175.35 (2g) (c). No other information from the subject  
18 individual's court records may be disclosed to the department of justice except by  
19 order of the court.

20 **SECTION 3.** 165.82 (1) (intro.) of the statutes is amended to read:

21 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall  
22 impose the following fees for criminal history searches for purposes unrelated to  
23 criminal justice or to s. 175.33 or 175.35:

24 **SECTION 4.** 165.87 of the statutes is created to read:

1           **165.87 Authorization of retired peace officers to carry concealed**  
2 **weapons. (1) DEFINITIONS.** In this section:

3           (a) “Board” means the law enforcement standards board.

4           (b) “Peace officer” has the meaning given in s. 939.22 (22).

5           (c) “Preretirement employer” means a person who employed a peace officer  
6 immediately before the peace officer’s retirement.

7           (d) “Retired peace officer” means a person who was formerly employed as a  
8 peace officer and who, immediately upon the termination of his or her employment  
9 as a peace officer, qualified for an annuity under the Wisconsin retirement system,  
10 the retirement system of any 1st class city in Wisconsin, or any retirement system  
11 established under chapter 201, laws of 1937.

12           (e) “Weapon” means dangerous weapon, as defined in s. 939.22 (10).

13           **(2) AUTHORIZATION BY BOARD.** If a person meets the requirements of sub. (3), the  
14 board shall authorize the department of transportation in writing to include on the  
15 person’s state identification card, as defined in s. 941.23 (1) (b), a designation that  
16 the person is a qualified retired peace officer.

17           **(3) ELIGIBILITY.** A person is eligible to obtain the authorization described in sub.  
18 (2) if all of the following apply:

19           (a) The person is a retired peace officer.

20           (b) At the time of his or her retirement as a peace officer, the person was not  
21 the subject of any disciplinary investigation or proceeding being conducted by his or  
22 her preretirement employer.

23           (c) The person does not have a physical or mental disability that precludes him  
24 or her from safely handling a firearm.

25           (d) The person is not prohibited under s. 941.29 from possessing a firearm.

1 (e) The person is not prohibited under federal law from possessing a firearm.

2 (f) Within the preceding 2-year period, the person successfully completed a  
3 course of 8 hours or less that was offered by a technical college and that covered the  
4 safe use and storage of a handgun or an equivalent course offered by any other  
5 institution or program. This paragraph does not apply during the 2-year period  
6 immediately following a person's retirement from active service as a peace officer.

7 (g) The person has authorized all of the following in writing:

8 1. His or her preretirement employer to permit the board to obtain records from  
9 the person's personnel file.

10 2. The technical college or other institution or program that provided the  
11 person the training described in par. (f) to permit the board to obtain records relating  
12 to the person's participation in the training.

13 **(4) VERIFYING ELIGIBILITY.** In investigating a person's eligibility under sub. (3),  
14 the board may, among other things, do any of the following:

15 (a) Review personnel records relating to the person that are maintained by the  
16 person's preretirement employer.

17 (b) Review records that are maintained by the technical college or other  
18 institution or program that provided the person the training described in sub. (3) (f)  
19 to verify that the person successfully completed the training.

20 (c) Request that the department perform a firearms restrictions record search  
21 under s. 175.33.

22 **(5) VERIFYING CONTINUED ELIGIBILITY.** No later than 2 years after the date on  
23 which the board sends the department of transportation a written authorization  
24 under sub. (2), the person to whom the authorization applies shall submit to the  
25 board written evidence of the person's continued eligibility under sub. (3). The board

1 may take any steps, including those described in sub. (4), to verify the person's  
2 continued eligibility.

3 **(6) REVOCATION.** (a) If the board determines at any time that a person whose  
4 application for an authorization under sub. (2) has been granted does not meet the  
5 requirements of sub. (3) or that a person has failed to comply with sub. (5), the board  
6 shall revoke its authorization. The board shall immediately thereafter notify the  
7 person by certified mail and notify the department of transportation of the  
8 revocation.

9 (b) If the board revokes its authorization with respect to a person under par.  
10 (a), the person may reapply for authorization if the person's circumstances change  
11 so that he or she is no longer ineligible.

12 **(7) RULES.** The board shall promulgate rules regarding all of the following:

13 (a) The method by which a person may apply under this section for  
14 authorization to carry a concealed weapon, the application forms to be used by such  
15 persons, and the forms to be used by persons documenting their continued eligibility  
16 under sub. (5).

17 (b) Verification by the board of a person's eligibility under sub. (3).

18 (c) Revocation by the board of any authorization under sub. (2).

19 (d) Receiving and investigating complaints that a person is ineligible for an  
20 authorization described in sub. (2).

21 (e) Verification by the department of transportation that a person requesting  
22 inclusion of the designation under s. 343.14 (2) (j) has had his or her application for  
23 authorization granted under this section. The board shall consult with the  
24 department of transportation in developing the rules required under this paragraph.

25 (f) Any other rules necessary for the administration of this section.

1           **SECTION 5.** 175.33 of the statutes is created to read:

2           **175.33 Background checks for retired peace officers.** At the request of  
3 the law enforcement standards board under s. 165.87 (4) (c), the department of  
4 justice shall conduct a firearms restriction record search, as defined in s. 175.35 (1)  
5 (at). The department may not charge a fee for a firearms restriction record search  
6 conducted under this section. The department shall promulgate rules prescribing  
7 the manner by which firearms restriction record searches are to be conducted under  
8 this section.

9           **SECTION 6.** 343.14 (2) (j) of the statutes is created to read:

10           343.14 (2) (j) A question as to whether the applicant is a retired peace officer  
11 who has successfully applied for authorization to carry a concealed weapon under s.  
12 165.87 and who wishes to have the department include on the license document the  
13 designation described under s. 343.17 (3) (a) 14.

14           **SECTION 7.** 343.17 (3) (a) 14. of the statutes is created to read:

15           343.17 (3) (a) 14. If the person has answered “yes” to the question under s.  
16 343.14 (2) (j) and the department has verified that the person has successfully  
17 applied for authorization to carry a concealed weapon under s. 165.87 under rules  
18 promulgated by the law enforcement standards board under s. 165.87 (7) (e), a  
19 designation that the person has successfully applied for that authorization.

20           **SECTION 8.** 343.19 (1) of the statutes is amended to read:

21           343.19 (1) If a license issued under this chapter or an identification card issued  
22 under s. 343.50 is lost or destroyed ~~or~~, the name or address named in the license or  
23 identification card is changed ~~or~~, the condition specified in s. 343.17 (3) (a) 12. or 13.  
24 no longer applies, or the condition specified in s. 343.17 (3) (a) 14. applies, the person  
25 to whom the license or identification card was issued may obtain a duplicate thereof

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

9 **SECTION 9.** 343.50 (4) of the statutes is amended to read:

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

21 **SECTION 10.** 813.12 (6) (am) 1. of the statutes is amended to read:

22 813.12 (6) (am) 1. If an injunction is issued or extended under sub. (4) or if a  
23 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify  
24 the department of justice of the injunction and shall provide the department of  
25 justice with information concerning the period during which the injunction is in

1 effect and information necessary to identify the respondent for purposes of a firearms  
2 restrictions record search under s. 175.33 or 175.35 (2g) (c).

3 **SECTION 11.** 813.12 (6) (am) 2. of the statutes is amended to read:

4 813.12 **(6)** (am) 2. Except as provided in subd. 3., the department of justice may  
5 disclose information that it receives under subd. 1. only as part of a firearms  
6 restrictions record search under s. 175.33 or 175.35 (2g) (c).

7 **SECTION 12.** 813.122 (9) (am) 1. of the statutes is amended to read:

8 813.122 **(9)** (am) 1. If an injunction is issued or extended under sub. (5), the  
9 clerk of the circuit court shall notify the department of justice of the injunction and  
10 shall provide the department of justice with information concerning the period  
11 during which the injunction is in effect and information necessary to identify the  
12 respondent for purposes of a firearms restrictions record search under s. 175.33 or  
13 175.35 (2g) (c).

14 **SECTION 13.** 813.122 (9) (am) 2. of the statutes is amended to read:

15 813.122 **(9)** (am) 2. Except as provided in subd. 3., the department of justice  
16 may disclose information that it receives under subd. 1. only as part of a firearms  
17 restrictions record search under s. 175.33 or 175.35 (2g) (c).

18 **SECTION 14.** 813.125 (5r) (a) of the statutes is amended to read:

19 813.125 **(5r)** (a) If an order prohibiting a respondent from possessing a firearm  
20 is issued under sub. (4m), the clerk of the circuit court shall notify the department  
21 of justice of the existence of the order prohibiting a respondent from possessing a  
22 firearm and shall provide the department of justice with information concerning the  
23 period during which the order is in effect and information necessary to identify the  
24 respondent for purposes of a firearms restrictions record search under s. 175.33 or  
25 175.35 (2g) (c).



1           **SECTION 15.** 813.125 (5r) (b) of the statutes is amended to read:

2           813.125 **(5r)** (b) Except as provided in par. (c), the department of justice may  
3 disclose information that it receives under par. (a) only as part of a firearms  
4 restrictions record search under s. 175.33 or 175.35 (2g) (c).

5           **SECTION 16.** 938.396 (8) of the statutes is amended to read:

6           938.396 **(8)** Notwithstanding sub. (2), if a juvenile is adjudged delinquent for  
7 an act that would be a felony if committed by an adult, the court clerk shall notify  
8 the department of justice of that fact. No other information from the juvenile's court  
9 records may be disclosed to the department of justice except by order of the court.  
10 The department of justice may disclose any information provided under this  
11 subsection only as part of a firearms restrictions record search under s. 175.33 or  
12 175.35 (2g) (c).

13           **SECTION 17.** 941.23 of the statutes is renumbered 941.23 (2) and amended to  
14 read:

15           941.23 **(2)** Any person except a peace officer or a qualified retired peace officer  
16 who goes armed with a concealed and dangerous weapon is guilty of a Class A  
17 misdemeanor.

18           **SECTION 18.** 941.23 (1) of the statutes is created to read:

19           941.23 **(1)** In this section:

20           (a) "Qualified retired peace officer" means a person whose request for  
21 authorization to carry a concealed weapon under s. 165.87 has been granted, who  
22 continues to meet the requirements for such an authorization, and who holds a valid  
23 state identification card containing a designation under s. 343.17 (3) (a) 14.

1 (b) “State identification card” means an operator’s license issued under ch. 343  
2 that contains a photograph of the license holder or an identification card issued  
3 under s. 343.50.

4 **SECTION 19.** 941.23 (3) of the statutes is created to read:

5 941.23 (3) If he or she is carrying a concealed weapon, a qualified retired peace  
6 officer shall carry his or her state identification card and shall, upon the request of  
7 any law enforcement officer, display it to the law enforcement officer.

8 **SECTION 20.** 941.237 (1) (dr) of the statutes is created to read:

9 941.237 (1) (dr) “Proprietor” means a person to whom a Class “B” or “Class B”  
10 license or permit has been issued under ch. 125.

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

12 941.237 (3) (am) A qualified retired peace officer, as defined in s. 941.23 (1) (a).  
13 This paragraph does not apply to any premises for which a Class “B” or “Class B”  
14 license or permit has been issued under ch. 125 if the sale of intoxicating liquors or  
15 fermented malt beverages or both on those premises accounts for more than 50% of  
16 the proprietor’s receipts from those premises.

17 **SECTION 22.** 941.237 (3m) of the statutes is created to read:

18 941.237 (3m) If he or she is carrying a firearm on any premises for which a  
19 Class “B” or “Class B” license or permit has been issued under ch. 125, a qualified  
20 retired peace officer, as defined in s. 941.23 (1) (a), shall carry his or her state  
21 identification card, as defined in s. 941.23 (1) (b), and shall, upon the request of any  
22 law enforcement officer, display it to the law enforcement officer.

23 **SECTION 23. Nonstatutory provisions.**

24 (1) (a) In this subsection, “board” means the law enforcement standards board.

1 (b) Using the procedure under section 227.24 of the statutes, the board shall  
2 promulgate the rules required under section 165.87 (7) of the statutes, as created by  
3 this act, for the period beginning on the effective date of this paragraph and ending  
4 on the effective date of the permanent rules promulgated under section 165.87 (7) of  
5 the statutes, as created by this act, but the rules may not remain effective for longer  
6 than the period authorized under section 227.24 (1) (c) and (2) of the statutes. The  
7 board shall promulgate the rules required under this paragraph no later than the  
8 first day of the 3rd month beginning after the effective date of this paragraph.  
9 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the board is not  
10 required to provide evidence that promulgating a rule under this paragraph as an  
11 emergency rule is necessary for the preservation of the public peace, health, safety,  
12 or welfare and is not required to provide a finding of emergency for a rule  
13 promulgated under this paragraph.

14 **SECTION 24. Effective dates.** This act takes effect on the first day of the 4th  
15 month beginning after publication, except as follows.

16 (1) SECTION 23 of this act takes effect on the day after publication.

17 **(END)**