

2001 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB529)

Received: 11/01/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: Judy

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

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>Jacketed</u>	<u>Required</u>
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FE Sent For:

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FE Sent For:

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D-Note (to follow)

1999 ASSEMBLY BILL 605

CS

ASA - AB529

NOW

December 1, 1999 - Introduced by Representatives GUNDERSON, HANDRICK, PETTIS, GUNDRUM, SUDER, SERATTI, MUSSER, REYNOLDS, ALBERS, WALKER, NASS, HUEBSCH, GOETSCH, OWENS and F. LASEE, cosponsored by Senators ZIEN, SCHULTZ, WELCH, HUELSMAN and A. LASEE. Referred to Committee on Judiciary and Personal Privacy.

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), 29.595, 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 appropriations, and providing a penalty. ^{ies}

[Handwritten signature]

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 nine months or both. In addition, current law prohibits, with certain exceptions, being armed with a firearm while 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 nine 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

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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 two or more sheriffs 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 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 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.

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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 only to law enforcement agencies 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) (2) of the statutes is created to read:

2 20.370 (5) (2) ^{esr} ~~2~~ 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. 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.

10 SECTION 3. 25.29 (1) (a) of the statutes, as affected by 1999 Wisconsin Act 9, is
11 amended to read:

12 25.29 (1) (a) Except as provided in ss. 25.293 and 25.295, all moneys accruing
13 to the state for or in behalf of the department under chs. 26, 27, 28, 29 and 350,

1 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
2 to 30.55, 70.58, 71.10 (5) and, 71.30 (10) and 175.50 (7) (bp) and (15) (b) 4. c., including
3 grants received from the federal government or any of its agencies except as
4 otherwise provided by law.

5 SECTION 4. 29.595 of the statutes is created to read:

6 **29.595 Grants for shooting ranges.** (1) The department may award grants
7 to persons for construction or improvement of shooting ranges. A grant awarded
8 under this section shall be paid from the appropriation account under s. 20.370 (5)
9 (2). *csr*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 **175.50 License to carry concealed weapon. (1) DEFINITIONS.** In this
24 section:

25 (a) "Department" means the department of justice.

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1 (b) "Firearms restrictions record search" has the meaning given in s. 175.35 (1)

2 (at).

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

4 (d) "Licensee" means an individual ^{holding} ~~who has been granted~~ ^{valid} a license to carry a
5 concealed weapon ^{issued} under this section. ^{any of the following:} 91.

6 (e) "Misdemeanor crime of violence" means ^{any of the following:} a misdemeanor violation of chs.
7 940, 941 or 948 or of s. 947.013 or a violation of s. 947.01.

8 (f) "Weapon" means a handgun, as defined in s. 175.35 (1) (b), an electric
9 weapon, as defined in s. 941.295 (4), a tear gas gun, a knife other than a switchblade
10 knife under s. 941.24, or a billy club. "Weapon" does not include a machine gun, as
11 defined in s. 941.27 (1), a short-barreled rifle, as defined in s. 941.28 (1) (b), or a
12 short-barreled shotgun, as defined in s. 941.28 (1) (c). ^{each county, through its}

13 (2) ISSUANCE OF LICENSE. (a) Except as provided in pars. (b) and (c), ^{each county, through its} a sheriff
14 shall issue licenses to carry a concealed weapon to an individual who meets the
15 qualifications specified in subs. (3) and (4) and who completes the application process
16 specified in sub. (7). A license to carry a concealed weapon issued ^{by a sheriff} under
17 this section shall meet the requirements specified in sub. (2m).

18 (b) A sheriff ^{may, but} is not required to issue licenses to carry a concealed weapon under
19 this section if, before the first day of the 4th month beginning after the effective of
20 this paragraph [revisor inserts date], all of the following occur:

- 21 1. The sheriff requests the county board of the sheriff's county to authorize him
22 or her to decline to issue licenses to carry a concealed weapon under this section.
- 23 2. After receiving a request from the sheriff under subd. 1., the county board
24 of the sheriff's county grants the sheriff's request by a two-thirds vote of all the
25 members of the board.

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(A)

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 the sheriffs who are a party to the agreement
10 and their respective counties.

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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) ^m

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.

18 **(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE.** (a) A
19 licensee may carry a concealed weapon anywhere in this state except as provided
20 under sub. (16).

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

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

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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 on which the license was issued.

18 5. The date on which the license expires.

19 6. The name of this state.

20 7. The name of the county of ^{that} ~~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)

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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.

5 (3) QUALIFICATIONS A PERSON MUST HAVE TO GET A LICENSE. An individual is
6 eligible for a license under this section if he or she satisfies all of the following:

7 (a) The individual is at least 21 years of age. *apply*

8 (b) The individual is a resident of the United States.

9 (c) The individual does not ~~suffer from~~ *have* 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~~ *3 years* 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~~ *3 years* 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~~ *federal law or* 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 ~~2-year period~~ *3 years*
23 ~~immediately~~ preceding ~~the date on which he or she submits an application under sub.~~

24 ~~any~~, any of the following applies:

In 2 or more cases arising out of separate incidents, a court has found

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1. The individual has been committed for involuntary treatment under s. 51.45

(13).

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

3. ~~The individual has been convicted of more~~ ^{to have committed} times of a violation of s. 346.63,

of a local ordinance in conformity with s. 346.63, of a law of another state that is comparable to s. 346.63 or of a law of a federally recognized American Indian tribe or band in conformity with or comparable to s. 346.63.

a drunk driving offense

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

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

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

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

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

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

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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 ^{shows through} 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.

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11/16

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

20 (m) The individual has not ^{previously} submitted an application for a license under this
21 section to another county and had the application denied. INS 11/21A

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 misdemeanor crimes of
24 violence unless the individual has been discharged from all sentences or periods of

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1 probation in connection with the crimes 3 or more years before the date on which the
2 individual 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.

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 (b) 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 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. *or to a person whom the sheriff issues
a license under sub. (9r)*

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 ^{submission} ~~submit~~
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 record, the ~~sheriff shall require the~~ applicant ~~to~~ ^{shall} 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) ^(1.) from the department ^{unless the department has notified} and ^{has not been} 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).
~~(dis)~~ disqualified

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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. ^{(kg), (km),} 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), or (o)

(kg), (km),

23 b. If the search indicates that the applicant is ^{not} qualified for a license under sub.
24 (3) (d), (f), (g) 2. or 3. ^{dis} or (L) or (4), the department shall provide the sheriff with a
25 unique approval number. _{and (o)}

ASSEMBLY BILL 605

SECTION 8

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 ^{department learns of that charge} ~~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

ASSEMBLY BILL 605

, (kg), (km),

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. ~~(L)~~ ^{, or (o)} (L) or (4), the department
 4 shall ^{, except as provided in subd. 2.,} destroy all records regarding that firearms restrictions record search within 30
 5 days after receiving the duplicate form. *INS 17/5*

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. *INS 17/14*

15 (b) If a sheriff ~~decides to~~ ^s 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. ^s 2. ^{and 3.} 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. ^{INS 17/20} A license issued under par. (a) is valid for the period specified under sub. (15)

21 (a) and may be renewed under sub. (15) (b) if all of the following apply

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

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

INS
17/25

ASSEMBLY BILL 605

SECTION 8

1

that would otherwise be

(d) ~~Notwithstanding sub. (7) (bd), (bh), (bp) and (bt)~~ ^{and (9)(c)} a sheriff may waive the fees required under sub. (7) (bd), (bh), (bp) and (bt) for an individual who is applying for a license under par. (a) if requiring the individual to pay the fees ^{would} create a hardship for the individual.

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

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10

(a) A law enforcement officer.

(b) A correctional officer.

(c) A probation and parole agent.

extended supervision, and extended supervision

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12

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

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(11) ~~LIST OF LICENSEES~~ ^{(3) information}

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

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

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

ASSEMBLY BILL 605

1 (c) The department shall provide information concerning a specific ^{licensee} individual
2 listed on the computerized list under par. (am) to a law enforcement agency if the law
3 enforcement agency is requesting the information for any of the following purposes:

4 1. To confirm that a license produced by ^{an} the individual at the request of a law
5 enforcement officer is valid.

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

INS
19/8

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

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

18 (14) LICENSE DENIAL; DISCIPLINE. (a) A sheriff shall deny an application for a
19 license under this section or suspend ^{INS 19/19} or revoke a license that ^{his or her county} he or she issued under
20 this section if the applicant or licensee does any of the following:

- 21 1. No longer meets all of the criteria specified in subs. (3) and (4).
- 22 3. Is convicted of a felony or a misdemeanor crime of violence.
- 23 5. Is convicted of any violation, or any solicitation, conspiracy or attempt to
24 commit a violation, of ch. 961 or of a law of another state that is comparable to any
25 provision of ch. 961.

The

ASSEMBLY BILL 605

SECTION 8

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

2 7. Is involuntarily committed for treatment as a chronic alcoholic under s.
3 51.45. *drunk driving offense*

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

12 9. Is found incompetent under ch. 880. *an offense*, upon conviction,
13 *INS 20/2* (am) ^{a.} 1. If a licensee is ~~arrested~~ *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, unless the person no*
18 *longer meets all of the criteria for licensure under this section*

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

23 *INS 20/2* (6) ^{ra} A person aggrieved by any action by a sheriff under this ~~sub~~ section may
24 appeal directly to the circuit court of the sheriff's county or, if applicable, to the circuit
court of the county of issuance designated under sub. (2) (c).

noff

ASSEMBLY BILL 605

Subsection

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

9 (c) ³ A copy of the petition shall be served upon the sheriff either personally or
 10 by registered or certified mail within 5 days after the person files his or her petition
 11 under ~~sub. 2.~~ par. (b) ✓

12 (d) ⁴ The sheriff shall file an answer within 15 days after being served with the
 13 petition under ~~sub. 2.~~ par. (c) ✓. The answer shall include a brief statement of the actions
 14 taken by the sheriff, and a copy of any documents or records on which the sheriff
 15 based his or her action shall be included with the answer when filed.

16 (e) ⁵ The court shall review the petition, answer and any records or documents
 17 submitted with the petition or answer. The review under this ~~subdivision~~ ^{paragraph} ✓ shall be
 18 conducted by the court without a jury and shall be confined to the petition, answer
 19 and any records or documents submitted with the petition or answer, except that in
 20 cases of alleged irregularities in procedure by the sheriff the court may take
 21 testimony that the court determines is appropriate.

22 (f) ⁶ The court shall affirm the sheriff's action unless the court finds any of the
 23 following:

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

ASSEMBLY BILL 605

SECTION 8

1 ² ~~2~~ (b) That the sheriff erroneously interpreted a provision of law and a correct
2 interpretation compels a different action.

3 ³ ~~3~~ (c) That the sheriff's action depends on a finding of fact that is not supported
4 by substantial evidence in the record.

5 ^(g) ~~7~~ The court's decision shall provide whatever relief is appropriate regardless
6 of the original form of the petition.

7 (15) LICENSE EXPIRATION AND RENEWAL. (a) Except as provided in sub. (9r) (c)
8 1., a license issued under this section is valid for a period of 5 years after the date on
9 which the license is issued unless the license is suspended or revoked under sub. ^{(9r)(c)3.} (14). or

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

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

15 2. Submits a notarized affidavit ^{stating} that he or she ^{is} ~~remains~~ qualified under
16 subs. (3) and (4). ^{swearing under oath} ^{the information provided under} ^{subd. 1. is true and complete}

17 4. Pays all of the following: ^{to the best of his or her knowledge}

18 a. A fee set by the sheriff that does not exceed the cost to a sheriff of renewing ^{and that}
19 a license issued under this section, including the cost of equipment purchase or
20 rental.

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

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

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

ASSEMBLY BILL 605

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

4 (d) 1. Except as provided in subd. 2., if ^{an individual} ~~a licensee~~ submits ^{an} ~~a~~ renewal application
5 under par. (b) ^{to renew an expired} ~~after the expiration date of the~~ license he or she shall be assessed a late
6 fee of \$15.

7 2. If ^{an individual whose license has expired} ~~a licensee~~ does not submit a renewal application under par. (b) before 6
8 months after ^{expiration} ~~the~~ date ^{of the license expires} ~~the license expires~~, the license shall permanently expire. ~~At~~

9 ^{An individual} ~~licensee~~ whose license has permanently expired may be issued a new license if he or
10 she applies for a license as provided under sub. (7).

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

13 (a) ~~§~~ A place that has been declared a nuisance under ch. 823.

14 (b) ~~§~~ A police station, sheriff's office or state patrol station. This ^{paragraph} ~~subdivision~~ does
15 not prohibit a peace officer who is acting within the scope of his or her employment
16 from carrying a concealed weapon in a police station, sheriff's office or state patrol
17 station.

18 (c) ~~§~~ A prison, jail, house of correction or secured correctional facility.

19 (d) ~~§~~ A courthouse, except that a judge who is a licensee may carry a concealed
20 weapon in a courthouse in which he or she is presiding in court or may permit in
21 writing any other licensee to carry a concealed weapon in a courthouse in which he
22 or she is presiding in court.

23 (e) ~~§~~ A place at which a school, college or professional athletic event is taking
24 place, unless the event is related to firearms and the licensee is a participant in the
25 event.

ASSEMBLY BILL 605

1 (f) ~~14~~ A school administration building.

2 (g) ~~10~~ Any premises for which a Class "B" or "Class B" license or permit has been
3 issued under ch. 125, except as provided under s. 941.237.

4 (h) ~~14~~ An airport, unless the weapon is encased for shipment as baggage to be
5 transported by aircraft.

6 (i) ~~14~~ A place in which the carrying of a weapon is prohibited under s. 948.61.

7 (j) ~~16~~ A place in which the carrying of a weapon is prohibited by federal law.

8 (c) A licensee may not carry a concealed weapon if he or she is prohibited from
9 possessing a dangerous weapon under s. 969.02 (2) (c) or 969.03 (1) (c).

10 (17) PENALTIES. (a) A licensee who violates sub. (2g) (b) may be required to
11 forfeit not more than \$25. or (c)

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

1NS
24/13

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

22 (b) By March 1 of each year, the department shall submit a statistical report
23 to the legislature under s. 13.172 (2) and to the governor that is compiled from the
24 reports submitted under par. (a) and that indicates the number of licenses applied
25 for, issued, denied, suspended and revoked under this section during the previous

ASSEMBLY BILL 605

1 calendar year. For the licenses denied, the report shall indicate the reasons for the
2 denials and the part of the application process in which the reasons for denial were
3 discovered. For the licenses suspended or revoked, the report shall indicate the
4 reasons for the suspensions and revocations.

5 (20) LAW ENFORCEMENT EXCELLENCE FUND. (a) If a county's sheriff issues licenses
6 on his or her own under sub. (2) (a) or ^{is a party to an} through an agreement under sub. (2) (c), the
7 county board shall establish a law enforcement excellence fund. All money ^{received} collected
8 by a sheriff ^{from payments made} under subs. (7) (bt) and (15) (b) 4. d. shall be deposited in accordance with
9 s. 59.25 (3) (u) 4. in the law enforcement excellence fund established under this
10 subsection.

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

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

15 440.26 (3r) CARRYING OF CONCEALED WEAPONS BY PRIVATE DETECTIVE. An
16 individual who is licensed as a private detective under this section and who is
17 licensed under s. 175.50 to carry a concealed weapon may carry a concealed weapon
18 as permitted under s. 175.50, including while he or she acting as a private detective.

19 SECTION 10. 941.23 of the statutes is ^{renumbered 941.23(1) and} amended to read:

20 ^{plain} 941.23 ~~Carrying concealed weapon.~~ ^{or} Any person except a peace officer
21 ~~person licensed under s. 175.50 or a person licensed to carry a concealed weapon in~~
22 ~~another state~~ who goes armed with a concealed and dangerous weapon is guilty of
23 a Class A misdemeanor.

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

FIX COMPLAINT

an individual holding a valid

NS 25/23

ASSEMBLY BILL 605

SECTION 11

holding a valid

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

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

8 941.295 (2) (bm) Any person licensed to carry a concealed weapon under s.
9 175.50. *individual holding a valid*

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

11 948.605 (2) (b) 4m. By an individual licensed under s. 175.50 to carry a
12 concealed weapon who is carrying a concealed weapon as permitted under s. 175.50;

13 (END)

holding a valid

**2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0235/1 MS
MGD:.....

1 **INSERT 5/25**

2 (am) "Drunk driving offense" means any of the following:

3 1. A violation of s. 346.63 or a local ordinance in conformity with that section.

4 2. A violation of a law of a federally recognized American Indian tribe or band
5 in this state in conformity with s. 346.63.

6 3. A violation of the law of another jurisdiction, as defined in s. 340.01 (41m),
7 that prohibits use of a motor vehicle while intoxicated, while under the influence of
8 a controlled substance, a controlled substance analog, or a combination thereof, with
9 an excess or specified range of alcohol concentration, or under the influence of any
10 drug to a degree that renders the person incapable of safely driving, as those or
11 substantially similar terms are used in that jurisdiction's laws.

12 **INSERT 6/7**

13 2. A crime under federal law or the law of another state that is comparable to
14 a crime described in subd. 1.

15 **INSERT 7/1**

16 (No A) exercise powers granted to them and discharge duties imposed on them

17 **INSERT 7/7**

18 2m. The agreement shall specify how the powers and duties that are the subject
19 of the agreement are to be allocated among the sheriffs that are parties to the
20 agreement.


21 **INSERT 11/16**

22 (kg) The individual has not been found incompetent under s. 971.14 or, if the
23 individual has been found incompetent under s. 971.14, one of the following applies:

1 1. He or she was subsequently found to be competent and at least 5 years have
2 elapsed from the date that he or she was found to be competent.

3 2. He or she was not subsequently found to be competent and he or she shows,
4 through evidence from a psychiatrist licensed in this state, that he or she has not
5 been disabled due to mental illness or a developmental disability for at least 5 years.


6 (km) The individual has not been been found not guilty by reason of mental
7 disease or defect under s. 971.17 or, if the individual has been found not guilty by
8 reason of mental disease or defect under s. 971.17, he or she presents evidence from
9 a psychiatrist licensed in this state that he or she has not been disabled due to mental
10 illness or a developmental disability for at least 5 years.

11  **INSERT 11/21A**
12 , unless each reason for the denial is no longer applicable because of changed
13 circumstances


14 **INSERT 11/21B**

15 (n) The individual has not had a license that was issued under this section
16 revoked unless each reason for the revocation is no longer applicable because of
17 changed circumstances.


18 (o) The individual has not been convicted of a violation of sub. (17) (d).

19  **INSERT 17/5**
20 If the department previously provided a unique approval number regarding the
21 request and the duplicate completed application form indicates that the applicant is
22 not qualified for a license under sub. (3) (d), (f), (g) 2. or 3., (kg), (km), (L), or (o) or
23 (4), the department shall immediately notify the sheriff who issued the license, and
24 the sheriff shall revoke the license.

25 **INSERT 17/14**

1  and if the individual submits a fingerprint card that is taken by the sheriff and
2 that bears the individual's index finger fingerprint

3 **INSERT 17/20**

4  If the department does not notify the sheriff that the individual does not qualify
5 for a license under sub. (3) (d), (f), (g) 2. or 3., (kg), (km), (L), or (o) or (4),

6 **INSERT 17/25**

7 3. If the department notifies the sheriff that an individual to whom the sheriff
8 has issued a license under par. (a) does not qualify for a license under sub. (3) (d), (f),
9 (g) 2. or 3., (kg), (km), (L), or (o) or (4), the sheriff shall revoke the license.

10 **INSERT 19/8**

11 3. To investigate whether an individual intentionally falsely swore under sub.
12 (6) or (15) (b) 2. or intentionally made a false statement to a sheriff in connection with
13 the individual's request for an emergency license under sub. (9r).

14 (d) 1. In this paragraph, "clerk" means the clerk of the circuit court or, if it has
15 enacted a law or an ordinance in conformity with s. 346.63, the clerk of the court for
16 a federally recognized American Indian tribe or band in this state, a city, a village,
17 or a town.

18 2. The department shall make the names of all licensees and the name of the
19 county in which each licensee was licensed available to each clerk. If any of the
20 following occur with respect to a licensee, the clerk shall immediately notify the
21 sheriff of the county in which the license was issued of the occurrence:

22 a. The individual is charged with a felony, a misdemeanor crime of violence, a
23 violation of ch. 961, the solicitation, conspiracy, or attempt to commit any violation
24 of ch. 961, a violation of s. 941.20 (1) (b), a violation of sub. (17) (d), or any other crime

1 that, upon conviction, would disqualify the individual from having a license under
2 this section.

3 b. The individual is charged with a drunk driving offense.

4 c. The individual is found by a court to have committed any offense described
5 in subd. 2. a. or b.

6 d. Prosecution of a felony or a misdemeanor crime of violence for which the
7 individual is charged is suspended under a deferred prosecution agreement.

8 e. The individual is found incompetent under s. 971.14.

9 f. The individual is found not guilty of any crime by reason of mental disease
10 or mental defect under s. 971.17.

11 g. The individual is involuntarily committed for treatment under s. 51.20 or
12 51.45.

13 h. The individual is found incompetent under ch. 880.

14 *W.F.* **INSERT 19/12**

15 a license that his or her county issued under this section if a court has
16 prohibited the individual from possessing a dangerous weapon under s. 969.02 (3)

17 (c). A sheriff shall deny an application for a license under this section

18 **INSERT 20/12**

19 *10.* ~~(i) The individual~~ becomes subject to an injunction described in s. 941.29 (1) (f)
20 or is ordered not to possess a firearm under s. 813.125 (4m).

21 **INSERT 20/17**

22 b. If a licensee is the subject of any civil proceeding, the disposition of which
23 could disqualify him or her from having a license under this section, the sheriff shall
24 suspend the licensee's license until judgment is entered in the case. Upon entry of

1 judgment in the case, the sheriff shall restore the licensee's license, unless the person
2 no longer meets all of the criteria for licensure under this section.

3 **INSERT 20/21**

4 (b) 1. If a sheriff revokes or suspends a license under this section, the revocation
5 or suspension shall take effect immediately.

6 2. If an individual whose license is suspended or revoked resides in the county
7 that issued the license, the sheriff of the county, upon revoking or suspending an
8 individual's license, shall immediately attempt to inform the individual in person.

9 If the individual resides in a county that is a party to an agreement under sub. (2)

10 (c), the sheriff of any county that is a party to the agreement shall immediately
11 attempt to inform the individual in person. If an individual is notified of the
12 revocation or suspension in person, the individual shall immediately relinquish the
13 license document to the sheriff. If the sheriff is unable to inform the individual in
14 person or if the individual resides in a county other than the sheriff's county or a
15 county that is a party to an agreement under sub. (2) (c) with the sheriff's county, the
16 sheriff shall send the individual notice of the revocation or suspension by certified
17 mail within one day after the revocation or suspension. Within 7 days after receiving
18 the notice, the individual whose license has been revoked or suspended shall deliver
19 the license document personally or by certified mail to the sheriff.

20 **(14m) APPEALS.**

21 **INSERT 24/13**

22 (d) Any person who intentionally does any of the following may be fined not
23 more than \$10,000 or imprisoned for not more than 10 years or both:

24 1. Makes a false statement to a sheriff in requesting or in connection with the
25 issuance of an emergency license under sub. (9r).

1 (2) fails to relinquish or deliver a license document to a sheriff, if the person is
2 required to do so under sub. (14) (b) 2.

3 (18) ACCESS TO RECORDS. Records created or kept under this section by the
4 department, a sheriff, or a clerk, as defined in sub. 11 (d) 1., other than reports
5 created under sub. (19) or records created under sub. (20), are not subject to access
6 under s. 19.35.

7 **INSERT 25/23**

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

9 941.23 (2) An individual formerly licensed under s. 175.50 whose license has
10 been revoked or suspended under s. 175.50 (14) may not assert his or her refusal to
11 accept or failure to receive a notice of revocation or suspension mailed under s. 175.50
12 (14) (b) 2. as a defense to prosecution under sub. (1), regardless of whether the person
13 has complied with s. 175.50 (12).

Dsida, Michael

To: Rep.Schneider
Subject: Concealed carry sub

As I told Judy, you should have the substitute amendment shortly. In the meantime, I recognize that you may not have time to consider any of them, but I wanted to mention the following issues just in case you do:

1. The substitute amendment that you will be receiving is based on 1999 Assembly Bill 605, which contained provisions authorizing a person to carry a concealed weapon in Wisconsin if he or she is licensed to carry a concealed weapon in another state. The bill, however, did not adequately cover all of the circumstances in which out-of-state authorization might be relevant. Because of time constraints, rather than address all of those situations, I simply deleted the authorization for out-of-state licensees.
2. Under s. 175.50 (11) (c) 2., the clerk of each circuit court and the clerk of a tribal or municipal court, if the tribe or municipality has the requisite drunk driving law or ordinance, is required to notify the sheriff if a licensee has committed a second drunk driving offense. The circuit court clerks should have information about a person's drunk driving record in other circuit courts, but they will not have information about cases in tribal or municipal courts, and vice versa. In addition, none of the courts will have information about out-of-state violations. In view of that, you may want to have the clerks notify the sheriff any time a court has found a person to have committed a drunk driving violation and leave it to the sheriff to determine whether the person has any prior violations. That approach, however, does not account for violations that may have occurred before the person gets his or her license. That problem can be addressed -- at least in part -- by requiring an applicant to report any violations that occurred in the three years that precede the person's application.
3. The substitute amendment does not specify whether or how a county that has given a sheriff the authority not to issue licenses may change its mind. Should it?
4. There will be some cases in which the sheriff may never know of that a licensee has become ineligible (for example, if the person is convicted of a felony in federal court). The substitute amendment, however, only requires a licensee to relinquish the license if the sheriff informs a person of the revocation or suspension. Do you want to require such a person who is no longer eligible for a license to relinquish the license upon losing eligibility, regardless of what the sheriff does? Do you want the person's license to be invalid upon conviction? Both? Note that regardless of the status of the license the person will be guilty of a violation of s. 941.29 if he or she possesses a firearm after being convicted.
5. The substitute amendment does not provide any penalty if a licensee fails to notify the sheriff of a change of address. Should it?

I had hoped to send these comments to you in the form of a drafter's note. Time constraints, however, kept me from doing so.

Please feel free to call me if you have any questions about the draft once you receive it.

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