

**ASSEMBLY SUBSTITUTE AMENDMENT 4,
TO 2001 ASSEMBLY BILL 529**

November 1, 2001 – Offered by Representatives SCHNEIDER and REYNOLDS.

1 **AN ACT** *to renumber and amend* 941.23; *to amend* 941.235 (2); and *to create*
2 175.50, 440.26 (3r), 941.23 (2), 941.295 (2) (bm) and 948.605 (2) (b) 4m. of the
3 statutes; **relating to:** licenses to carry a concealed weapon, granting
4 rule-making authority, and providing penalties.

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

5 **SECTION 1.** 175.50 of the statutes is created to read:

6 **175.50 License to carry concealed weapon. (1) DEFINITIONS.** In this
7 section:

8 (a) “Department” means the department of justice.

9 (am) “Drunk driving offense” means any of the following:

- 10 1. A violation of s. 346.63 or a local ordinance in conformity with that section.
11 2. A violation of a law of a federally recognized American Indian tribe or band
12 in this state in conformity with s. 346.63.

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

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

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

10 (d) "Licensee" means an individual holding a valid license to carry a concealed
11 weapon issued under this section.

12 (e) "Misdemeanor crime of violence" means any of the following:

13 1. A misdemeanor violation of chs. 940, 941, or 948 or of s. 947.013 or a violation
14 of s. 947.01.

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

17 (f) "Weapon" means a handgun, as defined in s. 175.35 (1) (b), an electric
18 weapon, as defined in s. 941.295 (4), a tear gas gun, a knife other than a switchblade
19 knife under s. 941.24, or a billy club. "Weapon" does not include a machine gun, as
20 defined in s. 941.27 (1), a short-barreled rifle, as defined in s. 941.28 (1) (b), or a
21 short-barreled shotgun, as defined in s. 941.28 (1) (c).

22 **(2) ISSUANCE OF LICENSE.** (a) Except as provided in pars. (b) and (c), each county,
23 through its sheriff, shall issue licenses to carry a concealed weapon to an individual
24 who meets the qualifications specified in subs. (3) and (4) and who completes the

1 application process specified in sub. (7). A license to carry a concealed weapon issued
2 under this section shall meet the requirements specified in sub. (2m).

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

6 1. The sheriff requests the county board of the sheriff's county to authorize him
7 or her to decline to issue licenses to carry a concealed weapon under this section.

8 2. After receiving a request from the sheriff under subd. 1., the county board
9 of the sheriff's county grants the sheriff's request by a two-thirds vote of all the
10 members of the board.

11 (c) Any 2 or more sheriffs may by agreement jointly exercise powers granted
12 to them and discharge duties imposed on them under this section. An agreement for
13 joint issuance of licenses to carry a concealed weapon under this section may be
14 entered into at any time and shall satisfy all of the following criteria:

15 1. The agreement shall be in writing.

16 2. The agreement shall be approved by the county board of the county of each
17 sheriff who is a party to the agreement.

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 3. The agreement shall specify how costs incurred and moneys received under
22 this section shall be apportioned among the sheriffs who are a party to the agreement
23 and their respective counties.

24 4. The agreement shall designate one county to be identified as the county of
25 issuance.

1 5. If a sheriff who is party to an agreement has issued licenses under this
2 section before entering into the agreement, the agreement shall provide for the
3 renewal of any licenses that were issued by that sheriff before he or she entered into
4 the agreement.

5 **(2g)** CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE. (a) A
6 licensee may carry a concealed weapon anywhere in this state except as provided
7 under sub. (16).

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

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

13 **(2m)** LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (c), and
14 (d), the department shall design the license document for licenses issued under this
15 section. The department shall complete the design of the license document no later
16 than the first day of the 4th month beginning after the effective date of this
17 paragraph [revisor inserts date], and shall distribute the design for the license
18 document to any sheriff who issues licenses under sub. (2) (a) or (c) for the sheriff to
19 use for licenses that he or she issues under this section.

20 (am) The department shall establish a unique code number for each county of
21 this state for use as a prefix to the identification number required under par. (c) 8.

22 (b) A license issued under this section shall be a single document, with the
23 information specified in par. (c) appearing on one side.

24 (c) One side of the license document shall include all of the following:

25 1. The full name, date of birth, and residence address of the licensee.

- 1 2. A color photograph of the licensee.
- 2 3. A physical description of the licensee, including gender, height, weight, and
- 3 hair and eye color.
- 4 4. The date on which the license was issued.
- 5 5. The date on which the license expires.
- 6 6. The name of this state.
- 7 7. The name of the county that issues the license.
- 8 8. A unique identification number for each licensee that begins with the code
- 9 number, established by the department under par. (am), for the county.

10 (d) A license document issued under this section shall be, to the maximum
11 extent possible, tamper proof and shall be produced using the same or similar
12 equipment used by the department of transportation to produce an operator's license
13 under s. 343.17.

14 **(3) QUALIFICATIONS A PERSON MUST HAVE TO GET A LICENSE.** An individual is
15 eligible for a license under this section if all of the following apply:

- 16 (a) The individual is at least 21 years of age.
- 17 (b) The individual is a resident of the United States.
- 18 (c) The individual does not have a physical disability that prevents him or her
- 19 from safely handling a weapon.
- 20 (d) The individual is not prohibited from possessing a firearm under s. 941.29.
- 21 (e) During the preceding 3 years, the individual has not been civilly committed
- 22 under s. 51.20 for being drug dependent.
- 23 (f) During the preceding 3 years, the individual has not been convicted for any
- 24 violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch.

1 961 or of federal law or a law of another state that is comparable to any provision of
2 ch. 961.

3 (g) The individual does not chronically and habitually use alcohol beverages or
4 other substances to the extent that his or her normal faculties are impaired. A person
5 is presumed chronically and habitually to use alcohol beverages or other substances
6 to the extent that his or her normal faculties are impaired if, within the preceding
7 3 years, any of the following applies:

8 1. The individual has been committed for involuntary treatment under s. 51.45
9 (13).

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

11 3. In 2 or more cases arising out of separate incidents, a court has found the
12 individual to have committed a drunk driving offense.

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

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

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

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

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

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

7 7. Participated in military firearms training that gave the applicant experience
8 with firearms that the sheriff determines is substantially equivalent to any course
9 or class specified in subds. 2. to 5., if the applicant is serving in the U.S. armed forces
10 or has received a discharge from the armed forces under conditions other than
11 dishonorable.

12 (j) The individual has not been found incompetent under ch. 880 or, if the
13 individual has been found incompetent under ch. 880, he or she was subsequently
14 found to be competent and at least 5 years have elapsed from the date that he or she
15 was found to be competent.

16 (k) The individual has not been involuntarily committed for treatment under
17 s. 51.20 due to mental illness or a developmental disability or, if the individual has
18 been involuntarily committed for treatment under s. 51.20 due to mental illness or
19 a developmental disability, he or she shows, through evidence from a psychiatrist
20 licensed in this state, that he or she has not been disabled due to mental illness or
21 a developmental disability for at least 5 years.

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:

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

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

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

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

12 (m) The individual has not previously submitted an application for a license
13 under this section to another county and had the application denied, unless each
14 reason for the denial is no longer applicable because of changed circumstances.

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 **(4) MISDEMEANOR CONVICTIONS; DENIAL OF LICENSE.** A sheriff may deny a license
20 to an individual who has been found guilty of one or more misdemeanor crimes of
21 violence unless the individual has been discharged from all sentences or periods of
22 probation in connection with the crimes 3 or more years before the date on which the
23 individual submits an application under sub. (7).

24 **(5) FORM OF APPLICATION.** The department shall design an application form for
25 use by individuals who apply for a license under this section. The department shall

1 complete the design of the application form no later than the first day of the 4th
2 month beginning after the effective date of this subsection [revisor inserts date],
3 and shall distribute the design for the application form to any sheriff who issues
4 licenses under sub. (2) (a) or (c) for use in making application forms for licenses under
5 this section. The application form designed by the department shall include all of the
6 following:

7 (a) The name and address of the applicant.

8 (b) The date of birth of the applicant.

9 (c) The applicant's race, gender, height, weight, and hair and eye color.

10 (d) The applicant's social security number.

11 (e) A statement that the applicant is eligible for a license under the
12 requirements specified in subs. (3) and (4).

13 (f) A statement explaining the privilege of self-defense and defense of others
14 under s. 939.48, with a place for the applicant to sign his or her name to indicate that
15 he or she has read and understands the statement.

16 (g) A statement that the applicant has received a copy of this section and
17 understands the requirements of this section.

18 (h) A statement that the application is being made under oath and that an
19 applicant may be prosecuted for violating s. 946.32 if he or she gives a false answer
20 to any question on the application or submits a falsified document with the
21 application.

22 (i) A statement of the penalties for violating s. 946.32.

23 **(6) OATH.** An applicant shall swear under oath that the information that he or
24 she provides in an application submitted under sub. (7) and any document submitted
25 with the application is true and complete to the best of his or her knowledge.

1 **(7) SUBMISSION OF APPLICATION.** An applicant for a license under this section
2 shall submit all of the following to the sheriff to whom he or she is applying for a
3 license:

4 (a) An application in the form prescribed under sub. (5) that has been sworn
5 to as required under sub. (6).

6 (bd) A license fee set by the sheriff issuing the license that does not exceed
7 either the cost to the sheriff of issuing a license to an individual under this section,
8 including the cost of equipment purchase or rental, or \$75, whichever is less.

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

10 (bp) A shooting range improvement fee of \$15.

11 (bt) A law enforcement excellence fund fee of \$15.

12 (c) A fingerprint card bearing an index finger fingerprint of the applicant taken
13 by the sheriff to whom the application is submitted.

14 (d) A photocopy of a certificate or other evidence showing the applicant's
15 qualifications under sub. (3) (i).

16 (e) A full-face photograph of the applicant taken within the 30-day period
17 immediately preceding the date of the applicant's application.

18 **(8) FINGERPRINTING BY SHERIFF.** A sheriff shall provide fingerprinting service
19 at no additional charge to an applicant for a license or for renewal of a license under
20 this section or to a person whom the sheriff issues a license under sub. (9r).

21 **(9) PROCESSING OF APPLICATION.** (a) On receiving an application submitted
22 under sub. (7), a sheriff shall do all of the following:

23 1. Submit the fingerprint card of the applicant to the department for
24 submission to the federal bureau of investigation or the automated fingerprint
25 identification system for the purposes of verifying the identity of the person

1 fingerprinted and obtaining his or her criminal arrest and conviction records. If the
2 applicant's fingerprint card is not sufficiently legible for the federal bureau of
3 investigation to use in verifying the applicant's identity and obtaining his or her
4 arrest or conviction record, the applicant shall submit an additional fingerprint card.

5 2. Request the department to conduct a firearms restrictions record search, as
6 provided under sub. (9g).

7 (b) Subject to par. (c), within 21 days after receiving an application under sub.
8 (7) a sheriff shall do one of the following:

9 1. Issue the license.

10 2. Deny the application if the applicant fails to qualify under the criteria
11 specified in subs. (3) and (4). If the sheriff denies the application, he or she shall
12 inform the applicant in writing, stating the ground for denial.

13 (c) Except as provided in sub. (9r), a sheriff may not issue a license until 7 days,
14 subject to extension under sub. (9g) (b) 3. c., have elapsed from the time that the
15 sheriff has received a confirmation number regarding the firearms restrictions
16 record search under sub. (9g) (b) 1. from the department unless the department has
17 notified the sheriff that the applicant is not disqualified for a license under sub. (3)
18 (d), (f), (g) 2. or 3. or (L) or (4).

19 **(9g) FIREARMS RESTRICTIONS RECORD SEARCHES.** (a) A sheriff shall request the
20 department to conduct a firearms restrictions record search by calling the
21 department, using a toll-free telephone number provided by the department, and
22 providing the department with the name, date of birth, gender, race, and social
23 security number of the applicant.

24 (b) On receiving a request under par. (a), the department shall conduct a
25 firearms restrictions record search using the following procedure:

1 1. The department shall provide the sheriff with a confirmation number
2 confirming the receipt of the information under par. (a).

3 2. The department shall conduct the firearms restrictions record search
4 regarding an applicant for a license under this section. In conducting a search under
5 this subdivision, the department shall use the transaction information for
6 management of enforcement system and the national crime information center
7 system.

8 3. The department shall notify the sheriff, either during the initial telephone
9 call or as soon thereafter as practicable, of the results of the firearms restrictions
10 record search as follows:

11 a. If the search indicates that the applicant does not qualify for a license under
12 sub. (3) (d), (f), (g) 2. or 3., (kg), (km), (L), or (o) or (4), the department shall provide
13 the sheriff with a unique nonapproval number. The department shall disclose to the
14 sheriff the reason the applicant does not qualify for a license under sub. (3) (d), (f),
15 (g) 2. or 3., (kg), (km), (L), or (o) or (4).

16 b. If the search indicates that the applicant is not disqualified for a license
17 under sub. (3) (d), (f), (g) 2. or 3., (kg), (km), (L), and (o) or (4), the department shall
18 provide the sheriff with a unique approval number.

19 c. If the search indicates a criminal charge without a recorded disposition, the
20 deadline under sub. (9) (c) is extended to the end of the 3rd complete working day
21 commencing after the day on which the department learns of that charge. The
22 department shall notify the sheriff of the extension as soon as practicable. During
23 the extended period, the department shall make every reasonable effort to determine
24 the disposition of the charge and notify the sheriff of the results as soon as
25 practicable.

1 (bm) The department shall conduct the search under par. (b) immediately if,
2 when requesting the search under par. (a), the sheriff informs the department that
3 the search is for an applicant for an emergency license under sub. (9r).

4 (c) The department shall charge a sheriff a fee of \$8 for each firearms
5 restrictions record search that the sheriff requests under par. (a), except that the
6 department shall waive the fee if, when requesting the search, the sheriff informs
7 the department that the fee is being waived under sub. (9r) (d). The sheriff shall
8 collect the fee from the applicant unless the fee is waived under sub. (9r) (d).

9 (d) A sheriff shall maintain the original record of all completed application
10 forms and a record of all confirmation numbers and corresponding approval or
11 nonapproval numbers that he or she receives regarding firearms restrictions record
12 searches under this subsection. The sheriff shall mail a duplicate copy of each
13 completed application form to the department.

14 (e) 1. Except as provided in subd. 2. and as necessary to administer this section,
15 the department shall do all of the following:

16 a. Deny access to any record kept under this section.

17 b. Check each duplicate application form received under par. (d) against the
18 information recorded by the department regarding the corresponding request for a
19 firearms restrictions record search under this subsection. If the department
20 previously provided a unique approval number regarding the request and nothing
21 in the duplicate completed application form indicates that the applicant is not
22 qualified for a license under sub. (3) (d), (f), (g) 2. or 3., (kg), (km), (L), or (o) or (4),
23 the department shall, except as provided in subd. 2., destroy all records regarding
24 that firearms restrictions record search within 30 days after receiving the duplicate
25 form. If the department previously provided a unique approval number regarding

1 the request and the duplicate completed application form indicates that the
2 applicant is not qualified for a license under sub. (3) (d), (f), (g) 2. or 3., (kg), (km), (L),
3 or (o) or (4), the department shall immediately notify the sheriff who issued the
4 license, and the sheriff shall revoke the license.

5 2. The department may maintain records necessary to administer this
6 subsection and, for a period of not more than 3 years after the department issues a
7 unique approval number, a log of dates of requests for firearms restrictions record
8 searches under this subsection together with confirmation numbers and unique
9 approval and nonapproval numbers corresponding to those dates.

10 **(9r)** EMERGENCY LICENSE. (a) A sheriff may issue a license under this section
11 to an individual who does not satisfy the requirements under sub. (3) (i) if the sheriff
12 determines that the individual is in imminent danger of death and if the individual
13 submits a fingerprint card that is taken by the sheriff and that bears the individual's
14 index finger fingerprint.

15 (b) If a sheriff issues 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 subds. 2. and 3., a license issued under par. (a) is
19 valid for 120 days from the date on which it is issued and may not be renewed.

20 2. If the department does not notify the sheriff that the individual does not
21 qualify for a license under sub. (3) (d), (f), (g) 2. or 3., (kg), (km), (L), or (o) or (4), a
22 license issued under par. (a) is valid for the period specified under sub. (15) (a) and
23 may be renewed under sub. (15) (b) if the individual satisfies the requirement under
24 sub. (3) (i) no later than 120 days from the date on which the license is issued.

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

4 (d) A sheriff may waive the fees that would otherwise be required under subs.
5 (7) (bd), (bh), (bp), and (bt) and (9g) (c) for an individual who is applying for a license
6 under par. (a) if requiring the individual to pay the fees would create a hardship for
7 the individual.

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

11 (a) A law enforcement officer.

12 (b) A correctional officer.

13 (c) A probation, parole, and extended supervision agent.

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

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

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

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

4 (c) The department shall provide information concerning a specific licensee
5 listed on the computerized list under par. (am) to a law enforcement agency if the law
6 enforcement agency is requesting the information for any of the following purposes:

7 1. To confirm that a license produced by an individual at the request of a law
8 enforcement officer is valid.

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

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

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

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

23 a. The individual is charged with a felony, a misdemeanor crime of violence, a
24 violation of ch. 961, the solicitation, conspiracy, or attempt to commit any violation
25 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 **(12)** UPDATED INFORMATION. No later than 30 days after changing his or her
15 address, an individual licensed under this section shall inform the sheriff who issued
16 the license of his or her new address. The sheriff shall provide the individual's new
17 address to the department for inclusion in the list under sub. (11) (am).

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

23 **(14)** LICENSE DENIAL; DISCIPLINE. (a) A sheriff shall deny an application for a
24 license under this section or suspend a license that his or her county issued under
25 this section if a court has prohibited the individual from possessing a dangerous

1 weapon under s. 969.02 (3) (c). A sheriff shall deny an application for a license under
2 this section or revoke a license that his or her county issued under this section if the
3 applicant or licensee does any of the following:

4 1. No longer meets all of the criteria specified in subs. (3) and (4).

5 3. Is convicted of a felony or a misdemeanor crime of violence.

6 5. Is convicted of any violation, or any solicitation, conspiracy or attempt to
7 commit a violation, of ch. 961 or of a law of another state that is comparable to any
8 provision of ch. 961.

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

10 7. Is involuntarily committed for treatment as a chronic alcoholic under s.
11 51.45.

12 8. Is convicted of a drunk driving offense within 3 years of a previous conviction
13 for a drunk driving offense. For purposes of this subdivision, the first drunk driving
14 offense may have occurred before the date on which the individual submitted his or
15 her application for a license under this section.

16 9. Is found incompetent under ch. 880.

17 10. Becomes subject to an injunction described in s. 941.29 (1) (f) or is ordered
18 not to possess a firearm under s. 813.125 (4m).

19 (am) 1. a. If a licensee is charged with an offense that, upon conviction, would
20 disqualify him or her from having a license under this section, the sheriff shall
21 suspend the licensee's license until judgment is entered in the case. If the charge is
22 dismissed or the licensee is acquitted, the sheriff shall restore the licensee's license
23 unless the person no longer meets all of the criteria for licensure under this section.

24 b. If a licensee is the subject of any civil proceeding, the disposition of which
25 could disqualify him or her from having a license under this section, the sheriff shall

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

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

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

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

1 **(14m)** APPEALS. (a) A person aggrieved by any action by a sheriff under this
2 section may appeal directly to the circuit court of the sheriff's county or, if applicable,
3 to the circuit court of the county of issuance designated under sub. (2) (c).

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

12 (c) A copy of the petition shall be served upon the sheriff either personally or
13 by registered or certified mail within 5 days after the person files his or her petition
14 under par. (b).

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

19 (e) The court shall review the petition, answer, and any records or documents
20 submitted with the petition or answer. The review under this paragraph shall be
21 conducted by the court without a jury and shall be confined to the petition, answer
22 and any records or documents submitted with the petition or answer, except that in
23 cases of alleged irregularities in procedure by the sheriff the court may take
24 testimony that the court determines is appropriate.

1 (f) The court shall affirm the sheriff's action unless the court finds any of the
2 following:

3 1. That the sheriff failed to follow procedure prescribed under this section.

4 2. That the sheriff erroneously interpreted a provision of law and a correct
5 interpretation compels a different action.

6 3. That the sheriff's action depends on a finding of fact that is not supported
7 by substantial evidence in the record.

8 (g) The court's decision shall provide whatever relief is appropriate regardless
9 of the original form of the petition.

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

14 (b) At least 90 days before the expiration date of a license issued under this
15 section, the sheriff who issued the license shall mail to the licensee a notice of
16 expiration and a form for renewing the license. The sheriff shall renew the license
17 if, before the date the license expires, the licensee does all of the following:

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

19 2. Submits a notarized affidavit swearing under oath that the information
20 provided under subd. 1. is true and complete to the best of his or her knowledge and
21 that he or she is qualified under subs. (3) and (4).

22 4. Pays all of the following:

23 a. A fee set by the sheriff that does not exceed the cost to a sheriff of renewing
24 a license issued under this section, including the cost of equipment purchase or
25 rental.

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

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

5 (d) 1. Except as provided in subd. 2., if an individual submits an application
6 under par. (b) to renew an expired license he or she shall be assessed a late fee of \$15.

7 2. If an individual whose license has expired does not submit a renewal
8 application under par. (b) before 6 months after the expiration date, the license shall
9 permanently expire. An individual whose license has permanently expired may be
10 issued a new license if he or she applies for a license as provided under sub. (7).

11 **(16) PROHIBITED ACTIVITY.** No licensee may carry a concealed weapon in any of
12 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 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.

1 (f) A school administration building.

2 (g) 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) An airport, unless the weapon is encased for shipment as baggage to be
5 transported by aircraft.

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

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

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

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

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

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

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

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

22 **(19) STATISTICAL REPORT.** (a) By February 1 of each year, a sheriff who is issuing
23 or renewing licenses under this section shall submit a statistical report to the
24 department indicating the number of licenses applied for, issued, denied, suspended,
25 and revoked under this section during the previous calendar year. For the licenses

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

5 (b) By March 1 of each year, the department shall submit a statistical report
6 to the legislature under s. 13.172 (2) and to the governor that is compiled from the
7 reports submitted under par. (a) and that indicates the number of licenses applied
8 for, issued, denied, suspended, and revoked under this section during the previous
9 calendar year. For the licenses denied, the report shall indicate the reasons for the
10 denials and the part of the application process in which the reasons for denial were
11 discovered. For the licenses suspended, or revoked, the report shall indicate the
12 reasons for the suspensions and revocations.

13 **SECTION 2.** 440.26 (3r) of the statutes is created to read:

14 **440.26 (3r)** CARRYING OF CONCEALED WEAPONS BY PRIVATE DETECTIVE. An
15 individual who is licensed as a private detective under this section and who is
16 licensed under s. 175.50 to carry a concealed weapon may carry a concealed weapon
17 as permitted under s. 175.50, including while he or she acting as a private detective.

18 **SECTION 3.** 941.23 of the statutes is renumbered 941.23 (1) and amended to
19 read:

20 **941.23 (1)** Any person except a peace officer or an individual holding a valid
21 license under s. 175.50 who goes armed with a concealed and dangerous weapon is
22 guilty of a Class A misdemeanor.

23 **SECTION 4.** 941.23 (2) of the statutes is created to read:

24 **941.23 (2)** An individual formerly licensed under s. 175.50 whose license has
25 been revoked or suspended under s. 175.50 (14) may not assert his or her refusal to

1 accept or failure to receive a notice of revocation or suspension mailed under s. 175.50
2 (14) (b) 2. as a defense to prosecution under sub. (1), regardless of whether the person
3 has complied with s. 175.50 (12).

4 **SECTION 5.** 941.235 (2) of the statutes is amended to read:

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

11 **SECTION 6.** 941.295 (2) (bm) of the statutes is created to read:

12 941.295 (2) (bm) Any individual holding a valid license to carry a concealed
13 weapon under s. 175.50.

14 **SECTION 7.** 948.605 (2) (b) 4m. of the statutes is created to read:

15 948.605 (2) (b) 4m. By an individual holding a valid license under s. 175.50 to
16 carry a concealed weapon who is carrying a concealed weapon as permitted under s.
17 175.50;

18 (END)