

2001 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB529)

Received: 11/02/2001

Received By: **mdsida**

Wanted: **Soon**

Identical to LRB:

For: **Assembly Chief Clerk**

By/Representing:

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:

Floor Amendment

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:

<END>

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1?	mdsida	1 cjs 11/15 01	Floor Amendment checked 11-15	EH 11-15			

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<END>

BILL HISTORY FOR ASSEMBLY BILL 529 (LRB -2922)

An Act to renumber and amend 941.23 and 941.235 (2); and to create 941.23 (1), 941.235 (2) (b) and 941.237 (3) (am) of the statutes; relating to: retired peace officers carrying a weapon.

2001

10-08.	A.	Introduced by Representatives Musser, Pettis, Suder, Nass, Kaufert, Bies, Gunderson, Owens, Sykora, Grothman and Huebsch.	
10-08.	A.	Read first time and referred to committee on Criminal Justice	421
10-18.	A.	Public hearing held.	
10-29.	A.	Assembly substitute amendment 1 offered by Representatives Pettis and Musser (LRB s0220)	476
10-30.	A.	Executive action taken.	
10-30.	A.	Report Assembly substitute amendment 1 adoption recommended by committee on Criminal Justice, Ayes 12, Noes 2	481
10-30.	A.	Report passage as amended recommended by committee on Criminal Justice, Ayes 11, Noes 3	481
10-30.	A.	Referred to committee on Rules	481
10-30.	A.	Placed on calendar 11-1-2001 by committee on Rules.	
11-01.	A.	Read a second time	506
11-01.	A.	Placed on the calendar following Assembly Bill 109	506
11-01.	A.	Representative Petrowski added as a coauthor	506
11-01.	A.	Assembly substitute amendment 2 offered by Representatives Pettis, Wood and Musser (LRB s0233)	508
11-01.	A.	Assembly substitute amendment 3 offered by Representatives Schneider and Reynolds (LRB s0235)	508
11-01.	A.	Point of order that Assembly substitute amendment 3 not germane well taken	508
11-01.	A.	Assembly amendment 1 to Assembly substitute amendment 2 offered by Representative Staskunas (LRB a0905)	508
11-01.	A.	Placed on the calendar following Assembly Bill 584	508
11-01.	A.	Assembly substitute amendment 4 offered by Representatives Schneider and Reynolds (LRB f75)	508
11-01.	A.	Point of order that Assembly substitute amendment 4 not germane well taken	509
11-01.	A.	Assembly amendment 1 to Assembly substitute amendment 2 laid on table, Ayes 57, Noes 40	509
11-01.	A.	Assembly amendment 2 to Assembly substitute amendment 2 offered by Representative Colon (LRB a0912)	509
11-01.	A.	Assembly amendment 2 to Assembly substitute amendment 2 laid on table, Ayes 62, Noes 35	509
11-01.	A.	Assembly substitute amendment 2 adopted	510
11-01.	A.	Ordered to a third reading	510
11-01.	A.	Rules suspended	510
11-01.	A.	Read a third time and passed, Ayes 87, Noes 10	510
11-01.	A.	Ordered immediately messaged	510

Now
01 s 0239

11-01-2001

LRB FILE COPY

MGD

LRB F 75 11

↗ (S 0239)

substitute

ASSEMBLY AMENDMENT

4

to _____ amendment _____

to _____ substitute amendment _____

TO A BILL 529

Offered by Schneider + Reynolds

At the locations indicated, amend the _____

as follows:

1. Page _____, line _____:



State of Wisconsin
2001 - 2002 LEGISLATURE

s0239/1
LRB:
MGD:cs:ch&pg&rs

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2001 ASSEMBLY BILL 529

1 *regen*
2 *cut.*
3 AN ACT to renumber and amend 941.23; to amend 25.29 (1) (a), 165.82 (2) and
4 941.235 (2); and to create 20.370 (5) (csr), 20.455 (2) (gp), 29.595, 59.25 (3) (u),
5 167.31 (4) (ar), 175.50, 440.26 (3r), 941.23 (2), 941.295 (2) (bm) and 948.605 (2)
6 (b) 4m. of the statutes; relating to: licenses to carry a concealed weapon,
granting rule-making authority, ~~making appropriations,~~ and providing
penalties.

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

7 SECTION 1. 20.370 (5) (csr) of the statutes is created to read:
8 ~~20.370 (5) (csr) Recreation aids — grants for shooting ranges. All moneys~~
9 ~~received from the shooting range improvement fee under s. 175.50 (7) (bp) and (15)~~
10 ~~(b) 4. c. for the purpose of making grants and administering the grant program under~~
11 ~~s. 29.595.~~
12 SECTION 2. 20.455 (2) (gp) of the statutes is created to read:

1 20.455 (2) ~~(gp) Concealed weapons licenses background check.~~ All moneys
2 received as fee payments under s. ~~175.50 (7) (bh) and (15) (b) 4. b.~~ to provide services
3 under s. 175.50.

4 **SECTION 3.** 25.29 (1) (a) of the statutes is amended to read:

5 25.29 (1) (a) Except as provided in ss. 25.293 and 25.295, all moneys accruing
6 to the state for or in behalf of the department under chs. 26, 27, 28, 29 and 350,
7 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
8 to 30.55, 70.58, 71.10 (5) and, 71.30 (10), and ~~175.50 (7) (bp) and (15) (b) 4. c.,~~
9 including grants received from the federal government or any of its agencies except
10 as otherwise provided by law.

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

12 **29.595 Grants for shooting ranges.** (1) The department may award grants
13 to persons for construction or improvement of shooting ranges. A grant awarded
14 under this section shall be paid from the appropriation account under s. 20.370 (5)
15 (osr).

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

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

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

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

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

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

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

8 59.25 (3) (u) 1. Subject to the terms of an agreement under s. 175.50 (2) (c),
9 deposit all moneys received under s. 175.50 (7) (bd), (13), and (15) (b) 4. a. and (d) 1.
10 in the general fund of the county.

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

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

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

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

22 165.82 (2) Except as provided in s. ss. 175.35 and 175.50, the department of
23 justice shall not impose fees for criminal history searches for purposes related to
24 criminal justice.

25 SECTION 7. 167.31 (4) (ar) of the statutes is created to read:

1 167.31 (4) (ar) Subsections (2) and (3) do not apply to a person who holds a valid
2 license to carry a concealed weapon issued under s. 175.50.

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

4 175.50 License to carry concealed weapon. (1) DEFINITIONS. In this
5 section:

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

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

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

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

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

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

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

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

- 23 1. A misdemeanor violation of chs. 940, 941, or 948 or of s. 947.013 or a violation
24 of s. 947.01.

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

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

8 (2) ISSUANCE OF LICENSE. (a) Except as provided in pars. (b) and (c), each county,
9 through its sheriff, shall issue licenses to carry a concealed weapon to an individual
10 who meets the qualifications specified in subs. (3) and (4) and who completes the
11 application process specified in sub. (7). A license to carry a concealed weapon issued
12 under this section shall meet the requirements specified in sub. (2m).

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

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

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

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

25 1. The agreement shall be in writing.

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

3 2m. The agreement shall specify how the powers and duties that are the subject
4 of the agreement are to be allocated among the sheriffs that are parties to the
5 agreement.

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

9 4. The agreement shall designate one county to be identified as the county of
10 issuance.

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

15 **(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE.** (a) A
16 licensee may carry a concealed weapon anywhere in this state except as provided
17 under sub. (16).

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

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

23 **(2m) LICENSE DOCUMENT; CONTENT OF LICENSE.** (a) Subject to pars. (b), (c), and
24 (d), the department shall design the license document for licenses issued under this
25 section. The department shall complete the design of the license document no later

1 than the first day of the 4th month beginning after the effective date of this
2 paragraph [revisor inserts date], and shall distribute the design for the license
3 document to any sheriff who issues licenses under sub. (2) (a) or (c) for the sheriff to
4 use for licenses that he or she issues under this section.

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

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

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

- 10 1. The full name, date of birth, and residence address of the licensee.
- 11 2. A color photograph of the licensee.
- 12 3. A physical description of the licensee, including gender, height, weight, and
13 hair and eye color.
- 14 4. The date on which the license was issued.
- 15 5. The date on which the license expires.
- 16 6. The name of this state.
- 17 7. The name of the county that issues the license.
- 18 8. A unique identification number for each licensee that begins with the code
19 number, established by the department under par. (am), for the county.

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

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

1 (a) The individual is at least 21 years of age.

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

3 (c) The individual does not have a physical disability that prevents him or her
4 from safely handling a weapon.

5 (d) The individual is not prohibited from possessing a firearm under s. 941.29.

6 (e) During the preceding 3 years, the individual has not been civilly committed
7 under s. 51.20 for being drug dependent.

8 (f) During the preceding 3 years, the individual has not been convicted for any
9 violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch.
10 961 or of federal law or a law of another state that is comparable to any provision of
11 ch. 961.

12 (g) The individual does not chronically and habitually use alcohol beverages or
13 other substances to the extent that his or her normal faculties are impaired. A person
14 is presumed chronically and habitually to use alcohol beverages or other substances
15 to the extent that his or her normal faculties are impaired if, within the preceding
16 3 years, any of the following applies:

17 1. The individual has been committed for involuntary treatment under s. 51.45
18 (13).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (5) FORM OF APPLICATION. The department shall design an application form for
11 use by individuals who apply for a license under this section. The department shall
12 complete the design of the application form no later than the first day of the 4th
13 month beginning after the effective date of this subsection [revisor inserts date],
14 and shall distribute the design for the application form to any sheriff who issues
15 licenses under sub. (2) (a) or (c) for use in making application forms for licenses under
16 this section. The application form designed by the department shall include all of the
17 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 1. Submit the fingerprint card of the applicant to the department for
13 submission to the federal bureau of investigation or the automated fingerprint
14 identification system for the purposes of verifying the identity of the person
15 fingerprinted and obtaining his or her criminal arrest and conviction records. If the
16 applicant's fingerprint card is not sufficiently legible for the federal bureau of
17 investigation to use in verifying the applicant's identity and obtaining his or her
18 arrest or conviction record, the applicant shall submit an additional fingerprint card.

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

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

23 1. Issue the license.

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

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

10 **(9g) FIREARMS RESTRICTIONS RECORD SEARCHES.** (a) A sheriff shall request the
11 department to conduct a firearms restrictions record search by calling the
12 department, using a toll-free telephone number provided by the department, and
13 providing the department with the name, date of birth, gender, race, and social
14 security number of the applicant.

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

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

19 2. The department shall conduct the firearms restrictions record search
20 regarding an applicant for a license under this section. In conducting a search under
21 this subdivision, the department shall use the transaction information for
22 management of enforcement system and the national crime information center
23 system.

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

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

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

12 c. If the search indicates a criminal charge without a recorded disposition, the
13 deadline under sub. (9) (c) is extended to the end of the 3rd complete working day
14 commencing after the day on which the department learns of that charge. The
15 department shall notify the sheriff of the extension as soon as practicable. During
16 the extended period, the department shall make every reasonable effort to determine
17 the disposition of the charge and notify the sheriff of the results as soon as
18 practicable.

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

22 (c) The department shall charge a sheriff a fee of \$8 for each firearms
23 restrictions record search that the sheriff requests under par. (a), except that the
24 department shall waive the fee if, when requesting the search, the sheriff informs

1 the department that the fee is being waived under sub. (9r) (d). The sheriff shall
2 collect the fee from the applicant unless the fee is waived under sub. (9r) (d).

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

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

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

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

24 2. The department may maintain records necessary to administer this
25 subsection and, for a period of not more than 3 years after the department issues a

1 unique approval number, a log of dates of requests for firearms restrictions record
2 searches under this subsection together with confirmation numbers and unique
3 approval and nonapproval numbers corresponding to those dates.

4 (9r) EMERGENCY LICENSE. (a) A sheriff may issue a license under this section
5 to an individual who does not satisfy the requirements under sub. (3) (i) if the sheriff
6 determines that the individual is in imminent danger of death and if the individual
7 submits a fingerprint card that is taken by the sheriff and that bears the individual's
8 index finger fingerprint.

9 (b) If a sheriff issues a license under par. (a), he or she shall notify the
10 department and request an immediate firearms restrictions record search under
11 sub. (9g).

12 (c) 1. Except as provided in subds. 2. and 3., a license issued under par. (a) is
13 valid for 120 days from the date on which it is issued and may not be renewed.

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

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

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

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

4 (a) A law enforcement officer.

5 (b) A correctional officer.

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

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

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

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

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

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

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

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

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

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

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

15 a. The individual is charged with a felony, a misdemeanor crime of violence, a
16 violation of ch. 961, the solicitation, conspiracy, or attempt to commit any violation
17 of ch. 961, a violation of s. 941.20 (1) (b), a violation of sub. (17) (d), or any other crime
18 that, upon conviction, would disqualify the individual from having a license under
19 this section.

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

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

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

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

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

3 g. The individual is involuntarily committed for treatment under s. 51.20 or
4 51.45.

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

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

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

15 (14) LICENSE DENIAL; DISCIPLINE. (a) A sheriff shall deny an application for a
16 license under this section or suspend a license that his or her county issued under
17 this section if a court has prohibited the individual from possessing a dangerous
18 weapon under s. 969.02 (3) (c). A sheriff shall deny an application for a license under
19 this section or revoke a license that his or her county issued under this section if the
20 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.

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.

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

8 9. Is found incompetent under ch. 880.

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

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

16 b. If a licensee is the subject of any civil proceeding, the disposition of which
17 could disqualify him or her from having a license under this section, the sheriff shall
18 suspend the licensee's license until judgment is entered in the case. Upon entry of
19 judgment in the case, the sheriff shall restore the licensee's license, unless the person
20 no longer meets all of the criteria for licensure under this section.

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

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

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

17 (14m) APPEALS. (a) A person aggrieved by any action by a sheriff under this
18 section may appeal directly to the circuit court of the sheriff's county or, if applicable,
19 to the circuit court of the county of issuance designated under sub. (2) (c).

20 (b) To begin an appeal under this subsection, the aggrieved person shall file a
21 petition for review with the clerk of the applicable circuit court within 30 days after
22 the date of the sheriff's action or, if applicable, within 30 days after the date of the
23 notice provided to the person under sub. (9) (b) 2. The petition shall state the
24 substance of the sheriff's action that the person is appealing from and the grounds
25 upon which the person believes the sheriff's action to be improper. The petition may

1 include a copy of any records or documents that are relevant to the grounds upon
2 which the person believes the sheriff's action to be improper.

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

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

10 (e) The court shall review the petition, answer, and any records or documents
11 submitted with the petition or answer. The review under this paragraph shall be
12 conducted by the court without a jury and shall be confined to the petition, answer
13 and any records or documents submitted with the petition or answer, except that in
14 cases of alleged irregularities in procedure by the sheriff the court may take
15 testimony that the court determines is appropriate.

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

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

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

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

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

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

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

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

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

13 4. Pays all of the following:

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

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

18 ~~c. A shooting range improvement fee of \$15.~~

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

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

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

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

5 **(16) PROHIBITED ACTIVITY.** No licensee may carry a concealed weapon in any of
6 the following places:

7 (a) A place that has been declared a nuisance under ch. 823.

8 (b) A police station, sheriff's office, or state patrol station. This paragraph does
9 not prohibit a peace officer who is acting within the scope of his or her employment
10 from carrying a concealed weapon in a police station, sheriff's office or state patrol
11 station.

12 (c) A prison, jail, house of correction, or secured correctional facility.

13 (d) A courthouse, except that a judge who is a licensee may carry a concealed
14 weapon in a courthouse in which he or she is presiding in court or may permit in
15 writing any other licensee to carry a concealed weapon in a courthouse in which he
16 or she is presiding in court.

17 (e) A place at which a school, college, or professional athletic event is taking
18 place, unless the event is related to firearms and the licensee is a participant in the
19 event.

20 (f) A school administration building.

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

23 (h) An airport, unless the weapon is encased for shipment as baggage to be
24 transported by aircraft.

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

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

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

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

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

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

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

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

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

24 (b) By March 1 of each year, the department shall submit a statistical report
25 to the legislature under s. 13.172 (2) and to the governor that is compiled from the

1 reports submitted under par. (a) and that indicates the number of licenses applied
2 for, issued, denied, suspended, and revoked under this section during the previous
3 calendar year. For the licenses denied, the report shall indicate the reasons for the
4 denials and the part of the application process in which the reasons for denial were
5 discovered. For the licenses suspended, or revoked, the report shall indicate the
6 reasons for the suspensions and revocations.

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

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

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

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

21 SECTION 10. 941.23 of the statutes is renumbered 941.23 (1) and amended to
22 read:

23 941.23 (1) Any person except a peace officer or an individual holding a valid
24 license under s. 175.50 who goes armed with a concealed and dangerous weapon is
25 guilty of a Class A misdemeanor.

1 **SECTION 11.** 941.23 (2) of the statutes is created to read:

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

7 **SECTION 12.** 941.235 (2) of the statutes is amended to read:

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

14 **SECTION 13.** 941.295 (2) (bm) of the statutes is created to read:

15 941.295 (2) (bm) Any individual holding a valid license to carry a concealed
16 weapon under s. 175.50.

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

18 948.605 (2) (b) 4m. By an individual holding a valid license under s. 175.50 to
19 carry a concealed weapon who is carrying a concealed weapon as permitted under s.
20 175.50;

21

(END)

BILL HISTORY FOR ASSEMBLY BILL 529 (LRB -2922)

An Act to renumber and amend 941.23 and 941.235 (2); and to create 941.23 (1), 941.235 (2) (b) and 941.237 (3) (am) of the statutes; relating to: retired peace officers carrying a weapon.

2001

10-08. A. Introduced by Representatives Musser, Pettis, Suder, Nass, Kaufert, Bies, Gunderson, Owens, Sykora, Grothman and Huebsch.

10-08. A. Read first time and referred to committee on Criminal Justice 421

10-18. A. Public hearing held.

10-29. A. Assembly substitute amendment 1 offered by Representatives Pettis and Musser (LRB s0220) 476

10-30. A. Executive action taken.

10-30. A. Report Assembly substitute amendment 1 adoption recommended by committee on Criminal Justice, Ayes 12, Noes 2 481

10-30. A. Report passage as amended recommended by committee on Criminal Justice, Ayes 11, Noes 3 481

10-30. A. Referred to committee on Rules 481

10-30. A. Placed on calendar 11-1-2001 by committee on Rules.

11-01. A. Read a second time 506

11-01. A. Placed on the calendar following Assembly Bill 109 506

11-01. A. Representative Petrowski added as a coauthor 506

11-01. A. Assembly substitute amendment 2 offered by Representatives Pettis, Wood and Musser (LRB s0233) ... 508

11-01. A. Assembly substitute amendment 3 offered by Representatives Schneider and Reynolds (LRB s0235) ... 508

11-01. A. Point of order that Assembly substitute amendment 3 not germane well taken 508

11-01. A. Assembly amendment 1 to Assembly substitute amendment 2 offered by Representative Staskunas (LRB a0905) 508

11-01. A. Placed on the calendar following Assembly Bill 584 508

11-01. A. Assembly substitute amendment 4 offered by Representatives Schneider and Reynolds (LRB s0239) ... 508

11-01. A. Point of order that Assembly substitute amendment 4 not germane well taken 509

11-01. A. Assembly amendment 1 to Assembly substitute amendment 2 laid on table. Ayes 57, Noes 40 509

11-01. A. Assembly amendment 2 to Assembly substitute amendment 2 offered by Representative Colon (LRB a0912) 509

11-01. A. Assembly amendment 2 to Assembly substitute amendment 2 laid on table, Ayes 62, Noes 35 509

11-01. A. Assembly substitute amendment 2 adopted 510

11-01. A. Ordered to a third reading 510

11-01. A. Rules suspended 510

11-01. A. Read a third time and passed, Ayes 87, Noes 10 510

11-01. A. Ordered immediately messaged 510

11-06. S. Received from Assembly 448

11-06. S. Read first time and referred to committee on Judiciary, Consumer Affairs, and Campaign Finance Reform 450

12-14. S. Fiscal estimate received.

2002

03-09. S. Public hearing held.

03-11. S. Executive action taken.

03-11. S. Report concurrence recommended by committee on Judiciary, Consumer Affairs, and Campaign Finance Reform, Ayes 4, Noes 1 634

03-11. S. Available for scheduling.

LTSB
 changed #
 in the bill
 history
 (was LRB 75)