

TO DO:

- Wisconsin residency (Wait till I hear from Mike)

- No list to clerk

Just have clerk
✓ whenever a person is
w/ DOS

- May only ✓ if person is
charged w/ crime
convicted...
institutionalized...

~~Para~~ (Need to pull clerk
~~and~~ records access stuff
or keep in?)

Otherwise ~~can't~~ do it

Add penalty for false stmt for emerg license (+ authorize release
of info for investigation of violation)

Pull out SSN

9/5

*

Rq. Wisc. residency to get permit

Include penalties in analysis

Para (f) was skipped on ~~the~~ last yrs draft p. 21. Change (g) to (e)
????↑

X - refs re DA's (see p.1)

167.31(4)(ar) ^{Several} Exception re ^{or} ~~loaded~~ weapon in car or boat extended to out of state ~~permitted~~ licensee

175.50(2)(c) 2m. - Rq. sheriffs asking itly to specify how powers/duties to be split

STEF

(25) Rq. ~~of~~ ^{of} state ~~license~~ to carry license/permit

Rq. DOJ to design lic renewal form

(26) Rq. DOJ to design ~~national~~ ~~relevant~~ ~~to~~ ~~accidents~~

(3) [(b)] - Eliminated residency reqmt

SHOULD WE HAVE?	YES
-----------------	-----

Don's memo refers to illegal aliens. What about non-residents who are here legally?

(c) - ~~disqual~~ Disqual. based on DQ under fed'l law

[(i) 7.] - ~~Disch.~~ Dishon. discharge prov'n not needed bc of

- (k) - DQ based on incompetency to stand trial
- (l) - " " " NGI
- (m) - " " " misd. crime of violence (moved from sub. (4)) ^{was permissive}
- (n) - " " " ~~the~~ Pending crim case ^{old}
- (o) - " " " prior revocation
- (p) - " " " false stats on appl'n

(8) Finger print ^{emerg.} ~~temporary~~ license

(9g)(c) Rq. revocation if ^{duplicate} ~~mislead~~ info ⇒ ineligibility

(9r) ^{(c)3.} Rq. revocation of emerg. license if inelig.

Consolidate record access, make ~~input~~ Pub records
rgmt in app. to sheriffs, clerks... + permit disclosure to
investigate ~~relations~~ of false stats

(11)(d) Clerk ~~is~~ gets list of licenses, notifies DOS
of convictions, NGL's, ~~is~~ drunk drive offense...

(14)^(a) Clarify revocation - if person no longer elig, .rg revoke
_{bc}

(b) Procedure for revocation (notice)

(17) Change penalties for false stmt from 946.32
to 500 ~~to~~ 10000 fine + 19 mos. impris

↑
Current gun form

↑
Class D

SSN ??

Penalty in analysis

Appeals par. (f) was skipped.

Court determ alone ok	431	US	105		
	97		1723		
Not all activities \Rightarrow liberty	408	569	-70,575	92	2705,08
Specific criteria for suspension \Rightarrow Property	443	55		99	2642

Options

Rq licensee to notify sheriff ;

Make license valid only until ~~conviction~~ conviction

comparable offense - sheriff makes decision

Dsida, Michael

From: Bruhn, Mike
Sent: Thursday, October 11, 2001 1:31 PM
To: Dsida, Michael
Subject: RE: Concealed carry bill

1. YES
2. YES
3. YES, they should relinquish regardless of what the sheriff does. Yes, it should be invalid upon conviction.

-----Original Message-----

From: Dsida, Michael
Sent: Thursday, October 11, 2001 1:27 PM
To: Bruhn, Mike
Subject: Concealed carry bill

I have a few more questions about the bill. (I have noted the page and line numbers to make it easier for you to find the provisions that I am referring to.)

1. The definition of "misdemeanor crime of violence" (6/24) does not cover comparable crimes under federal law or the laws of other states. Should it?
2. The prohibition relating to controlled substance offenses (10/20) does not include federal offenses. Should it?
3. There will be some cases in which the sheriff may never know of that a licensee has become ineligible (for example, if the person is convicted of a felony in federal court). The bill, however, only requires a licensee to relinquish the license if the sheriff informs a person of the revocation or suspension. Do you want to require such a person who is no longer eligible for a license to relinquish the license upon losing eligibility, regardless of what the sheriff does? (If so, the penalty under sub. (17) (d) (27/8) can apply.) Do you want the person's license to be invalid upon conviction? (That may require some changes to s. 941.23 (28/23). Both? Note that regardless of the status of the license the person will be guilty of a violation of s. 941.29 if he or she possesses a firearm after being convicted.

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Dsida, Michael

From: Bruhn, Mike
Sent: Friday, October 12, 2001 10:55 AM
To: Dsida, Michael
Subject: RE: Concealed carry license suspension/revocation

That makes sense and alternative one makes sense to me.

-----Original Message-----

From: Dsida, Michael
Sent: Friday, October 12, 2001 10:38 AM
To: Bruhn, Mike
Subject: Concealed carry license suspension/revocation

After spending some time researching this, I realized that, at least in some circumstances, the license can't automatically become invalid, because it may not be clear if the federal or out-of-state offense is similar enough to Wisconsin law to require suspension or revocation. For the same reason, it may not make sense to require the licensee to report only those offenses to the sheriff. Here's what I propose as an alternative -- have the licensee report all federal and out-of-state offenses to the sheriff and let the sheriff determine what should happen to the license.

If that makes sense, here are a couple of alternatives for the penalties: 1) have the penalty for carrying a concealed weapon without a license apply to the person for failing to report that he or she has been charged with any crime under federal law or the law of another state; or 2) have that penalty apply only if the court determines that the charge that the person didn't report would warrant suspension or revocation and have either a lesser penalty or no penalty apply to the failure to report other offenses.

I hope this makes sense. Feel free to call me if you want to discuss this.

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Dsida, Michael

From: Bruhn, Mike
Sent: Tuesday, October 16, 2001 11:24 AM
To: Dsida, Michael
Subject: RE: Concealed carry bill

- 1) yes, 2 separate instances
- 2) yes, same county. Yes, in counties with co-operative agreements, either sheriff may discharge the duty.
- 3) leave it to the counties that are parties to such agreements to decide how to best address that issue.
- 4) Yes, okay.
- 5) Sheriff B would be able to issue them after sheriff A leaves.
- 6) Yes, that is ok.
- 7) Yes, they each must establish the excellence fund.

-----Original Message-----

From: Dsida, Michael
Sent: Tuesday, October 16, 2001 10:36 AM
To: Bruhn, Mike
Subject: Concealed carry bill

Reviewing a draft after letting it sit for a while always leads to more questions. These should be my last, though.

1. The drunken driving provision (11/6) require 2 convictions, but it doesn't say whether there have to have been 2 separate incidents. Should it? (A person can be convicted of: (a) OWI and operating with a prohibited alcohol concentration for the same conduct (although the person can only be sentenced for one of them) or (b) one of the offenses listed in (a) and causing injury to someone while drunk driving.)

2. Under the P1 draft, if a sheriff revokes an individual's license, the sheriff must attempt to notify the individual in person. Do you want to limit that to cases in which the individual is residing in the sheriff's county? If so, you might also want to consider whether, in cases in which counties have cooperative agreements under sub. (2) (c) (7/24), either sheriff can discharge that duty.

3. The cooperative agreement provisions do not specifically cover emergency licenses. If a county is a party to an agreement, does its sheriff retain the right to issue emergency licenses, or do you want to leave it to the counties that are parties to such agreements to decide how to best address that issue?

4. I assume that a county's ^{authorization not} ~~refusal~~ to issue licenses also applies to the emergency licenses. Is that okay?

5. Does the county board's 2/3 vote prohibit the sheriff from issuing licenses? The draft only says that the sheriff is not required to issue them. I am thinking of the case where Sheriff A doesn't want to issue the licenses and the board agrees. After Sheriff A retires, Sheriff B wants to issue them.

Also, I assume that you want to permit a county to change its mind. How does it do so? *by 2/3 vote*

6. Under sub. (16) (c), a license has no effect if a court has prohibited a licensee from carrying a weapon. ((26/23). For consistency's sake, I have added provisions that require the license to be suspended in those cases. Is that okay?

7. I assume that if counties issue licenses together under sub. (2) (c), they each must establish a law enforcement excellence fund (28/7). If that is the case, I need to tinker with the subsection dealing with that fund, since it does not make that point clear.

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State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1086/P1

MGD/jld/pg

Thursday

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

✓ X-refs to see if need to add
New DR paras. (see, e.g., 19/20-21)

[Handwritten scribble]

renew
from hold

Regen

1 AN ACT *to renumber and amend* 941.23; *to amend* 25.29 (1) (a), 165.82 (2) and
 2 941.235 (2); and *to create* 20.370 (5) (cx), 20.455 (2) (gp), 29.595, 59.25 (3) (u),
 3 167.31 (4) (ar), 175.50, 440.26 (3r), 941.23 (2), 941.295 (2) (bm), 946.32 (3) and
 4 948.605 (2) (b) 4m. of the statutes; **relating to:** licenses to carry a concealed
 5 weapon, granting rule-making authority, making appropriations, and
 6 providing penalties.

Analysis by the Legislative Reference Bureau

Currently, no person other than a peace officer may carry a concealed and dangerous weapon. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both. In addition, current law prohibits, with certain exceptions, being armed with a firearm while in a public building, in or on the grounds of a school, or within 1,000 feet of the grounds of a school. Current law also prohibits, with certain exceptions, going armed with a handgun on any premises (such as a tavern) that has a license or permit to sell alcohol beverages for consumption on those premises. A person who violates these prohibitions may be fined not more than \$10,000 or imprisoned for not more than nine months or both, except that a person who goes armed in a public building may be fined not more than \$1,000 or imprisoned for not more than 90 days or both.

This bill creates a procedure by which a person may apply to a county sheriff for a license to carry a concealed weapon. Such a license authorizes a person to carry

NO # The county board's vote does not prohibit the sheriff from issuing licenses; he or she may still choose to do so.

a concealed weapon anywhere in this state except in particular places specified under the bill. These specified places include police stations, sheriffs' offices, state patrol stations, prisons and jails, any premises (such as a tavern) that has a license or permit to sell alcohol beverages for consumption on those premises, a school administration building, an airport, and any place in which the carrying of a weapon is prohibited by federal law. (A person who is licensed to carry a concealed weapon and who carries a concealed weapon in a place where the license does not authorize him or her to do so may be fined not more than \$1,000 or imprisoned for not more than 90 days or both.

Under the bill, a county sheriff must issue a license to carry a concealed weapon to a person who meets the qualifications established in the bill for the license unless the county board of the sheriff's county decides by a two-thirds vote to authorize the sheriff not to issue concealed weapons licenses. The bill also allows two or more sheriffs to enter into cooperative agreements under which the sheriffs may jointly issue licenses to carry a concealed weapon or exercise their other responsibilities under the bill.

The bill specifies the requirements that a person must satisfy in order to qualify for a license to carry a concealed weapon. Included among the requirements that a person must satisfy are the following: 1) he or she must be at least 21 years old; 2) he or she must be eligible to possess a firearm under federal law; 3) he or she must not be prohibited from possessing a firearm due to a felony conviction, a juvenile delinquency adjudication, an order issued in a civil mental commitment case, or any other order prohibiting the person from possessing a firearm; 4) he or she must not have been convicted of an offense relating to controlled substances during the preceding three years; 5) he or she must not have been convicted of one of a set of specified misdemeanors involving violence or serving a sentence for committing such a misdemeanor within the preceding three years; 6) he or she must have successfully completed one of several specified firearms training or safety courses; 7) he or she must not have been subject to a finding of incompetency, found not guilty of a crime by reason of mental disease or mental defect, or involuntarily committed for treatment of mental illness during the preceding five years; 8) he or she must not have been committed for the treatment of drug dependency during the preceding three years; and 9) he or she must not chronically or habitually use alcohol or other substances to the extent that his or her normal faculties are impaired. In addition, the bill requires a sheriff to conduct a background check of a person who applies for a license to carry a concealed weapon to determine whether the person has been convicted of a felony, a misdemeanor crime of violence, or a controlled substance offense, has been adjudicated delinquent, or is subject to an order prohibiting the person from possessing a firearm. The background check requirement does not apply to a person applying for a license if the person is a law enforcement officer, a correctional officer, a probation and parole agent, or a person holding a current certification from the law enforcement standards board.

In addition, the bill does all of the following:

- 1. Allows a sheriff to issue an emergency license to an individual who is in imminent danger of death.

help determine the person's eligibility for a license

he or she does not have a physical disability that prevents him or her from safely handling a weapon.

more

New order (using old numbers)

7, [new], 2, 3, 8, 4, 9, 6, 7, 5, [new]

and 11) he or she must be a Wisconsin resident.

2. Provides that a license to carry a concealed weapon is valid for five years and establishes a renewal procedure that includes a background check of the person renewing the license.

Analysis ✓
Insert A

3. Requires a sheriff to revoke a license to carry a concealed weapon if the licensee no longer meets all of the requirements for licensure.

5. Provides that a person whose application for a license is denied or whose license is suspended or revoked by the sheriff may appeal the sheriff's action to circuit court for review by a judge.

6. Specifies the information that must be on a license to carry a concealed weapon and an application for such a license and requires the department of justice (DOJ) to design the form of the license and the license application and renewal forms.

7. Requires the sheriff to provide information to DOJ concerning a person licensed to carry a concealed weapon, and requires DOJ to keep a computerized list of persons licensed to carry a concealed weapon. The list kept by DOJ is available only to law enforcement agencies in certain specified circumstances and to clerks of court.

Analysis ✓
Insert B

8. Requires ^{suspension or} the clerk of each court to notify the sheriff of court proceedings that would require revocation of a license.

10. Requires a person who applies for a license to carry a concealed weapon to pay a shooting range improvement fee, which is to be used by the department of natural resources to provide grants for the construction and improvement of shooting ranges.

11. Requires a person who applies for a license to carry a concealed weapon to pay a law enforcement excellence fund fee, which is to be used by the sheriff to improve law enforcement services in his or her county.

12. Treats a license or permit issued by another state in the same manner as a license issued under this bill.

analysis ✓
insert C

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

1
2

SECTION 1. 20.370 (5) (c) of the statutes is created to read:

20.370 (5) (c) ^(c) Recreation aids — grants for shooting ranges. All moneys received from the shooting range improvement fee under s. 175.50 (7) (bp) and (15) (b) 4. c. for the purpose of making grants and administering the grant program under s. 29.595.

SECTION 2. 20.455 (2) (gp) of the statutes is created to read:

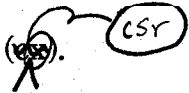
1 20.455 (2) (gp) *Concealed weapons licenses background check.* All moneys
2 received as fee payments under s. 175.50 (7) (bh) and (15) (b) 4. b. to provide services
3 under s. 175.50.

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 ~~(5)~~. 

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) (h) 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) (c). *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 law enforcement
19 excellence fund established under s. 175.50 (20) and make payments from the fund
20 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) (a), (b), and (c) and (3) (a) and (b) do not apply
2 to the placement, possession, transportation, or loading of a firearm by a person who
3 holds a valid license to carry a concealed weapon issued under s. 175.50 or an
4 out-of-state licensee, as defined in s. 175.50 (1) (g).

5 SECTION 8. 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) "Drunken 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.

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

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

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

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

24 (e) "Misdemeanor crime of violence" means ^{§ 1.} a misdemeanor violation of chs.
25 940, 941, or 948 or of s. 947.013 or a violation of s. 947.01.

insert 6/25 ✓

1 (f) "Out-of-state authorization" means a ^{valid} permit or a ^{valid} license issued by another
2 state documenting that a person is authorized under the law of that state to carry
3 a concealed weapon in that state.

4 (g) "Out-of-state licensee" means ^{an individual} a ~~person~~ who has been issued an
5 out-of-state authorization ^{and who is not prohibited from possessing a firearm}
^{under s. 941.29 or from possessing a firearm that has}

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

11 (2) ISSUANCE OF LICENSE. (a) Except as provided in ⁽¹⁾ pars. (b) and (c), ^{each country, through its} sheriff,
12 shall issue licenses to carry a concealed weapon to an individual who meets the
13 qualifications specified in sub. (3) and who completes the application process
14 specified in sub. (7). A license to carry a concealed weapon issued ~~by a sheriff~~
15 this section shall meet the requirements specified in sub. (2m).

16 (b) ^{1.} A sheriff ^{may, but} is not required to issue licenses to carry a concealed weapon under
17 this section if, before the first day of the 4th month beginning after the effective of
18 this paragraph [revisor inserts date], all of the following occur:

19 ^{a.} The sheriff requests the county board of the sheriff's county to authorize him
20 or her to decline to issue licenses to carry a concealed weapon under this section.

21 ^{b.} After receiving a request from the sheriff under subd. 1. ^{a.} the county board
22 of the sheriff's county grants the sheriff's request by a two-thirds vote of all the
23 members of the board.

24 (c) Any 2 or more sheriffs may by agreement jointly exercise powers granted
25 to them and discharge duties imposed on them under this section. An agreement for

1/23 ✓

1 joint issuance of licenses to carry a concealed weapon under this section may be
2 entered into at any time and shall satisfy all of the following criteria:

3 1. The agreement shall be in writing.

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

6 2m. The agreement shall specify how the powers and duties that are the subject
7 of the agreement are to be allocated among the sheriffs that are parties to the
8 agreement.

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

12 4. The agreement shall designate one county to be identified as the county of
13 issuance ~~for purposes of the license document information required under sub. (2m)~~
14 ~~(c) 7 and 8, for purposes of notification under sub. (11) (d) 2, and for purposes of~~
15 ~~appeal under sub. (14) 1.~~
16

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

21 **(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE OR**
22 **AUTHORIZATION.** (a) A licensee or an out-of-state licensee may carry a concealed
23 weapon anywhere in this state except as provided under sub. (16). ✓

24 (b) A licensee shall carry his or her license and an out-of-state licensee shall
25 carry his or her out-of-state authorization at all times during which he or she is
carrying a concealed weapon.

1 (c) If he or she is carrying a concealed weapon, a licensee shall display his or
2 her license and an out-of-state licensee shall display his or her out-of-state
3 authorization to a law enforcement officer upon the request of the law enforcement
4 officer.

5 (2m) LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (c) and
6 (d), the department shall design the license document for licenses issued and
7 renewed under this section. The department shall complete the design of the license
8 document no later than the first day of the 4th month beginning after the effective
9 date of this paragraph [revisor inserts date], and shall distribute the design for
10 the license document to any sheriff who issues licenses under sub. (2) (a) or (c) for the
11 sheriff to use for licenses that he or she issues under this section.

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

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

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

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

18 2. A color photograph of the licensee.

19 3. A physical description of the licensee, including gender, height, weight, and
20 hair and eye color.

21 4. The date on which the license was issued.

22 5. The date on which the license expires.

23 6. The name of this state.

listed in subd. 7. ✓

1 7. The name of the county ^{that} of the sheriff who issues the license or, if the license
 2 is issued by 2 or more sheriffs acting jointly under sub. (2) (c), the name of the county
 3 designated under the agreement.

4 8. A unique identification number for each licensee that begins with the code
 5 number for the county established by the department under par. (am) ^{KEEP}

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

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

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

13 (b) The individual does not ^{have} suffer from a physical disability that prevents him
 14 or her from safely handling a weapon.

15 (c) The individual is not prohibited under federal law from possessing a firearm
 16 that has been transported in interstate or foreign commerce.

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

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

20 (f) During the preceding 3 years, the individual has not been convicted for any
 21 violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch.
 22 961 or of ^{of federal law or ✓} a law of another state that is comparable to any provision of ch. 961.

23 (g) The individual does not chronically and habitually use alcohol beverages or
 24 other substances to the extent that his or her normal faculties are impaired. A person
 25 is presumed chronically and habitually to use alcohol beverages or other substances

1 to the extent that his or her normal faculties are impaired if, within the preceding
2 3 years, any of the following applies:

3 1. The individual has been committed for involuntary treatment under s. 51.45
4 (13).

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

6 3. *In 2 or more cases arising out of separate incidents,* A court has found the individual to have committed *2 or more* drunken
7 driving offenses. *a*

8 (h) The individual has done one of the following:

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

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

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

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

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

1 (i) The individual has not been found incompetent under ch. 880 or, if the
2 individual has been found incompetent under ch. 880, he or she was subsequently
3 found to be competent and at least 5 years have elapsed from the date that he or she
4 was found to be competent.

5 (j) The individual has not been involuntarily committed for treatment under
6 s. 51.20[✓] due to mental illness or a developmental disability or, if the individual has
7 been involuntarily committed for treatment under s. 51.20 due to mental illness or
8 a developmental disability, he or she shows, through evidence from a psychiatrist
9 licensed in this state, that he or she has not been disabled due to mental illness or
10 a developmental disability for at least 5 years.

11 (k) The individual has not been found incompetent under s. 971.14 or, if the
12 individual has been found incompetent under s. 971.14[✓], one of the following applies:

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

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

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

23 (m) Within the preceding 3 years, the individual was not convicted of a
24 misdemeanor crime of violence or was not serving a sentence, on probation, or subject

The individual is not the subject of any pending

1 to a dispositional order under ch. 938 for committing a misdemeanor crime of
2 violence.

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

6 (o) ^{of civil or} There is ~~no~~ ^{the disposition of} criminal case ~~pending in~~ which the person is charged with a
7 ~~crime that, upon conviction, would~~ disqualify him or her from having a license under
8 this ^{sub} section. ^{could}

9 (p) The individual has not previously submitted an application for a license
10 under this section to any county and had the application denied, unless each reason
11 for the denial is no longer applicable because of changed circumstances.

12 (q) The individual has not had a license that was issued under this section
13 revoked, unless each reason for the ^{revocation} ~~denial~~ is no longer applicable because of changed
14 circumstances. ^{(d), or (e)}

15 (r) The individual has not been convicted of a violation of sub. (17) (c). ^{(d), or (e)}

NS ✓
13/15 →

16 (5) APPLICATION AND RENEWAL FORMS. The department shall design an
17 application form for use by individuals who apply for a license under this section and
18 a renewal form for use by individuals applying for renewal of a license under sub.
19 (15). The department shall complete the design of the application form no later than
20 the first day of the 4th month beginning after the effective date of this subsection
21 [revisor inserts date], and shall distribute the designs for both forms to any sheriff
22 who issues licenses under sub. (2) (a) or (c) for use in making the application forms
23 and the license renewal forms described in this section. The forms designed by the
24 department under this subsection shall include all of the following:

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

- 1 (b) The date of birth of the applicant.
- 2 (c) The applicant's race, gender, height, weight, and hair and eye color.
- 3 (d) The applicant's social security number.
- 4 (e) A statement that the applicant is eligible for a license under the
- 5 requirements specified in sub. (3).
- 6 (f) A statement explaining the privilege of self-defense and defense of others
- 7 under s. 939.48, with a place for the applicant to sign his or her name to indicate that
- 8 he or she has read and understands the statement.
- 9 (g) A statement that the applicant has received a copy of this section and
- 10 understands the requirements of this section.
- 11 (h) A statement that the application is being made under oath and that an
- 12 applicant may be prosecuted if he or she gives a false answer to any question on the
- 13 application or submits a falsified document with the application.
- 14 (i) A statement of the penalties for giving a false answer to any question on the
- 15 application or submitting a falsified document with the application.
- 16 (6) OATH. An applicant shall swear under oath that the information that he or
- 17 she provides in an application submitted under sub. (7) and any document submitted
- 18 with the application is true and complete to the best of his or her knowledge.
- 19 (7) SUBMISSION OF APPLICATION. An applicant for a license under this section
- 20 shall submit all of the following to the sheriff to whom he or she is applying for a
- 21 license:
- 22 (a) An application in the form prescribed under sub. (5) that has been sworn
- 23 to as required under sub. (6).

1 2. Request the department to conduct a firearms restrictions record search, as
2 provided under sub. (9g).[✓]

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

5 1. Issue the license.

6 2. Deny the application if the applicant fails to qualify under the criteria
7 specified in sub. (3).[✓] If the sheriff denies the application, he or she shall inform the
8 applicant in writing, stating the ground for denial.

9 (c) Except as provided in sub. (9r), a sheriff may not issue a license until 7 days,
10 subject to extension under sub. (9g) (b) 3. c.,[✓] have elapsed from the time that the
11 sheriff has received a confirmation number regarding the firearms restrictions
12 record search under sub. (9g) (b) 1. [✓] from the department, unless the department has
13 notified the sheriff that the applicant is ^{not disqualified} qualified for a license under sub. (3) (d), (f),
14 (g) 2. or 3., ^{(k), (l),} ~~(m), (n)~~ ^{(o), and (r)} [✓]

15 **(9g) FIREARMS RESTRICTIONS RECORD SEARCHES.** (a) A sheriff shall request the
16 department to conduct a firearms restrictions record search by calling the
17 department, using a toll-free telephone number provided by the department, and
18 providing the department with the name, date of birth, gender, ^{and} race, ^{and} social
19 security number of the applicant.

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

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

24 2. The department shall conduct the firearms restrictions record search
25 regarding an applicant for a license under this section. In conducting a search under

1 this subdivision, the department shall use the transaction information for
2 management of enforcement system and the national crime information center
3 system.

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

7 a. If the search indicates that the applicant does not qualify for a license under
8 sub. (3) (d), (f), (g) 2. or 3., ~~(m), or (n)~~, the department shall provide the sheriff with
9 a unique nonapproval number. The department shall disclose to the sheriff the
10 reason the applicant does not qualify for a license under sub. (3) (d), (f), (g) 2. or 3.,

11 ~~(m), or (n)~~, ^{(o), or (r)}

12 b. If the search indicates that the applicant is ~~qualified~~ ^{not disqualified} for a license under sub.
13 (3) (d), (f), (g) 2. or 3., ~~(m), or (n)~~, the department shall provide the sheriff with a
14 unique approval number.

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

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

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

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

11 (e) 1. The department shall check each duplicate application form received
12 under par. (d) against the information recorded by the department regarding the
13 corresponding request for a firearms restrictions record search under this
14 subsection. If the department previously provided a unique approval number
15 regarding the request and nothing in the duplicate completed application form
16 indicates that the applicant is not qualified for a license under sub. (3) (d), (f), (g) 2.
17 or 3., ~~(m), or (n)~~, the department shall, except as provided in subd. 2., destroy all
18 records regarding that firearms restrictions record search within 30 days after
19 receiving the duplicate form. If the department previously provided a unique
20 approval number regarding the request and the duplicate completed application
21 form indicates that the applicant is not qualified for a license under sub. (3) (d), (f),
22 (g) 2. or 3., ~~(m), or (n)~~, the department shall immediately notify the sheriff who issued
23 the 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) (h) 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., ^{(o), or (r)} (m), ~~or~~ (n), a license issued under
16 par. (a) is valid for the period specified under sub. (15) (a) and may be renewed under
17 sub. (15) (b) ^{and} if the individual satisfies the requirement under sub. (3) (h) no later than
18 120 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., ^{(o), or (r)} (m), ~~or~~ (n), the sheriff shall revoke the license.

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

(k), (l)

that would otherwise be

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 and parole agent. *, and extended supervision ✓*

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

9 (11) LICENSEE INFORMATION. (a) A sheriff who issues licenses to carry a
10 concealed weapon under this section shall, within 5 days after issuing a license,
11 notify the department that he or she has issued a license under this section and
12 provide the department with the information specified in sub. (2m) (c) concerning the
13 individual 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 (c) The department and any sheriff issuing licenses under this section shall
19 provide information concerning a specific licensee to a law enforcement agency if the
20 law enforcement agency is requesting the information for any of the following
21 purposes:

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

intentionally violated sub. (12) (a),

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 ~~a licensee~~ ^{an individual} intentionally falsely swore under [✓] sub. (6)
5 or (15) (b) ~~or~~ ^{or intentionally, made a false statement to a sheriff in}
6 ^{connection with the individual's request for an emergency license}

7 (d) 1. In this paragraph, "clerk" means the clerk of the circuit court or, if it has ^{under sub. (9c).}
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.

specific
and the reason for the notification:

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 occurs with respect to a licensee, the clerk shall immediately notify the~~
14 ~~department of the name of any individual with respect to whom any of~~
15 ~~the following occurs:~~
16 ~~the following occurs:~~
17 ~~the following occurs:~~
18 ~~the following occurs:~~
19 ~~the following occurs:~~
20 ~~the following occurs:~~
21 ~~the following occurs:~~
22 ~~the following occurs:~~
23 ~~the following occurs:~~
24 ~~the following occurs:~~
25 ~~the following occurs:~~

14 a. The individual is charged with a felony, a misdemeanor crime of violence, a
15 violation of ch. 961, the solicitation, conspiracy, or attempt to commit any violation
16 of ch. 961, a violation of s. 941.20 (1) (b), ^{a violation of sub. (17) (c), (d), or (e),}
17 would disqualify the individual from having a license under this section.

18 b. The individual is charged with a [✓] drunken driving offense ^{if a court has found}
19 ^{the individual to have committed one or more drunken driving offense within the}
20 ^{preceding 3 years.}

21 c. The individual is [✓] convicted of any crime ^{or} found by a court to have committed
22 any offense described 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.

INset 22/5
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 ^{of the county that} 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 ^{of the county that} 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 REVOCATION AND SUSPENSION. (a) A sheriff shall revoke a license
16 that ~~he or she~~ ^{he or her county} issued under this section if the licensee no longer meets all of the

17 criteria specified in sub. (3). ^(e. The licensee is charged with a drunk driving offense and during the preceding 3 years the licensee was found by a court to have committed another drunk driving offense.)

18 a. (am) ~~The~~ licensee is charged with a crime that, upon conviction, would

19 disqualify him or her from having a license under this section, the sheriff shall

20 suspend the licensee's license until judgment is entered in the case. If the charge is

21 dismissed or the licensee is acquitted, the sheriff shall restore the licensee's license

22 unless the person ^{to whom the license was issued} no longer meets all of the criteria specified in sub. (3).

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

if, upon disposition of the case,

2.

sheriff suspends license under subd. 1. he or she

Insert 23/1 ✓

Insert 23/2 ✓

of the county ✓

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

10 (14m) APPEALS. (a) A person aggrieved by any action by a sheriff denying,
 11 revoking, or suspending a license under this section may appeal directly to the circuit
 12 court of the sheriff's county or, if applicable, to the circuit court of the county of
 13 issuance designated under sub. (2) (c). ✓

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

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

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

5 (e) The court shall review the petition, ^{the} answer, and any records or documents
6 submitted with the petition ^{the} or answer. The review under this paragraph shall be
7 conducted by the court without a jury and shall be confined to the petition, ^{the} answer,
8 and any records or documents submitted with the petition ^{the} or answer, except that in
9 cases of alleged irregularities in procedure by the sheriff the court may take
10 testimony that the court determines is appropriate. ^(f) The court shall affirm the
11 sheriff's action unless the court finds any of the following:

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

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

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

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

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

23 (b) The department shall design a form notice of expiration and shall distribute
24 the form to any sheriff who issues licenses under sub. (2) (a) or (c) for use under this
25 paragraph. At least 90 days before the expiration date of a license issued under this

1 section, the sheriff who issued the license shall mail to the licensee a notice of
2 expiration and a form for renewing the license. The sheriff shall renew the license
3 if, before the date the license expires, the licensee does all of the following:

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

5 2. Submits a notarized affidavit swearing under oath that the information
6 provided under subd. 1. is true and complete to the best of his or her knowledge and
7 that he or she ^{is} ~~remains~~ qualified under sub. (3).

8 4. Pays all of the following:

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

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

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

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

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

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

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

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

1 (16) PROHIBITED ACTIVITY. (a) Neither a licensee nor an out-of-state licensee
2 may carry a concealed weapon in any of the following places:

3 (a) ~~is~~ A place that has been declared a nuisance under ch. 823.

4 (b) ~~is~~ A police station, sheriff's office, or state patrol station. This ^{paragrah} ~~subdivision~~ does
5 not prohibit a peace officer who is acting within the scope of his or her employment
6 from carrying a concealed weapon in a police station, sheriff's office, or state patrol
7 station.

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

9 (d) ~~is~~ A courthouse, except that a judge who is a licensee may carry a concealed
10 weapon in a courthouse in which he or she is presiding in court or may permit in
11 writing any other licensee or out-of-state licensee to carry a concealed weapon in a
12 courthouse in which he or she is presiding in court.

13 (e) ~~is~~ A place at which a school, college, or professional athletic event is taking
14 place, unless the event is related to firearms and the licensee or out-of-state licensee
15 is a participant in the event.

16 (f) ~~is~~ A school administration building.

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

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

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

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

23 (e) A licensee may not carry a concealed weapon if he or she is prohibited from
24 possessing a dangerous weapon under s. 969.02 (3) (c) or 969.03 (1) (c).

1 (17) PENALTIES. (a) A licensee who violates sub. (2g) (b) may be required to
2 forfeit not more than \$25. *or an out-of-state licensee*

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

5 (c) Any person who intentionally falsely swears under sub. (6) or (15) (b) 2, shall
6 be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not
7 more than 9 months.

8 (d) Any person required under sub. (14) (b) 2. to relinquish or deliver a license
9 document to a sheriff who intentionally violates the requirements of that subdivision
10 shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for
11 not more than 9 months.

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

9
10 sent
27/5
11 sent
27/7

or (c)

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 ~~on his or her own~~ ^{is party to an} under sub. (2) (a) or ~~through an~~ ^{agreement} under sub. (2) (c), the
 9 county board shall establish a law enforcement excellence fund. All money ^{received} ~~collected~~
 10 by a sheriff ^{from payments made} under subs. (7) (bt) and (15) (b) 4. d. shall be deposited in accordance with
 11 s. 59.25 (3) (u) 4. in the law enforcement excellence fund established under this
 12 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, ~~a person licensed~~ ^{an individual holding a valid} under s. 175.50,
 24 ~~or a person~~ ^{an individual} authorized under the law of another state to carry a concealed weapon

1 in that state who goes armed with a concealed and dangerous weapon is guilty of a
2 Class A misdemeanor.

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

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

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

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

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

18 941.295 (2) (bm) Any ^{individual holding a valid} ~~person~~ licensed ~~to carry a concealed weapon~~, under s.
19 175.50 or authorized under the law of another state to carry a concealed weapon in
20 that state.

21 SECTION 14. 946.32 (3) of the statutes is created to read:

22 946.32 (3) This section does not apply to offenses that may be prosecuted under
23 s. 175.50 (17) (c). ✓

24 SECTION 15. 948.605 (2) (b) 4m. of the statutes is created to read:

holding a valid

1 948.605 (2) (b) 4m. By an individual ~~licensed~~ *holding a valid* under s. 175.50 or authorized
2 under the law of another state to carry a concealed weapon who is carrying a
3 concealed weapon as permitted under s. 175.50;

4 **(END)**

1 **analysis INSERT A**

2 4. Requires a sheriff to suspend a license to carry a concealed weapon if the
3 licensee is charged with an offense that may ultimately require its revocation.

4 **analysis INSERT B**

5 9. Requires each licensee to notify the sheriff within ten days after being
6 charged with a crime or a drunk driving offense under federal law or the law of
7 another state.

8 **analysis INSERT C**

9 The bill also establishes the following penalties for offenses relating to licenses
10 to carry a concealed weapon. First, a person who fails to carry his or her license
11 document while carrying a concealed weapon may be required to forfeit \$25. Second,
12 a person who is licensed to carry a concealed weapon and who carries a concealed
13 weapon in a place where the license does not authorize him or her to do so may be
14 fined not more than \$1,000 or imprisoned for not more than 90 days or both. Third,
15 a person who does any of the following shall be fined not less than \$500 nor more than
16 \$10,000 and may be imprisoned for not more than nine months: 1) intentionally
17 makes a false statement in an application for a license; 2) intentionally fails to report
18 being charged under federal law or the law of another state with any crime or any
19 drunk driving offense within ten days after being charged; or 3) intentionally fails
20 to relinquish a license document to a sheriff after the license has been revoked.

21 **INSERT 6/25**

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

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

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

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

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

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

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

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

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

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

18 1. Submit the fingerprint card of the applicant to the department for ^{Submission} ~~submit~~
19 to the federal bureau of investigation or the automated fingerprint identification
20 system for the purposes of verifying the identity of the person fingerprinted and
21 obtaining records of his or her criminal arrest and conviction. If the applicant's
22 fingerprint card is not sufficiently legible for the federal bureau of investigation to
23 use in verifying the applicant's identity and obtaining his or her arrest or conviction
24 record, the sheriff shall require the applicant to submit an additional fingerprint
25 card. ^{shall}

1 **INSERT 7/23**

2 2. At any time the county board may rescind the authorization it grants under
3 ✓ subd. 1. by a two-thirds vote of all members of the board.

4 **INSERT 13/15**

5 (s) The individual is a Wisconsin resident. ✓

6 **INSERT 22/5**

7 ~~iii~~ (i) The individual becomes subject to an injunction described in s. 941.29 (1) (f)
8 or is ordered not to possess a firearm under s. 813.125 (4m). ✓

9 ~~ii~~ (j) A court has prohibited the individual from possessing a dangerous weapon
10 under s. 969.02 (3) (c). ✓

11 3. Upon receiving a notice under subd. 2., ✓ the department shall immediately
12 determine if the individual who is the subject of the notice is a licensee, using the list
13 maintained under par. (am). ✓ If the department determines that the individual is a
14 licensee, the department shall immediately inform the sheriff of the county that
15 issued the license of the individual's name and the basis for the notice under subd.
16 2. ✓

17 **INSERT 22/6**

18 ~~NO~~ (a) Within 10 days after being charged under federal law or the law of another
19 state with any crime or any drunk driving offense, ✓ a licensee shall notify the sheriff
20 of the county that issued his or her license of the charge.

21 ~~FF~~ (b) ~~NO~~

22 **INSERT 22/17**

23 (am) 1. If any of the following occur ⁵ with respect to a licensee, the sheriff of the
24 county that issued the license shall suspend the licensee's license:

25 **INSERT 22/19**



1 b. A court has prohibited the licensee from possessing a dangerous weapon
2 under s. 969.02 (3) (c). ✓

3 **INSERT 23/1**

4 ~~23~~ If an individual whose license is suspended or revoked resides in the county
5 that issued the license

6 **INSERT 23/2**

7 ~~23~~ If the individual resides in a county that is a party to an agreement under sub.
8 (2) (c), ✓ the sheriff of any county that is a party to the agreement shall immediately
9 attempt to inform the individual in person.

10 **INSERT 27/5**

11 ~~23~~ or who intentionally makes a false statement to a sheriff in requesting or in
12 connection with the issuance of an emergency license under sub. (9r) ✓

13 **INSERT 27/7**

14 (d) Any person who intentionally violates sub. (12) (a) ✓ shall be fined not less
15 than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 ✓ months.

Dsida, Michael

From: Bruhn, Mike
Sent: Wednesday, November 07, 2001 12:08 PM
To: Dsida, Michael
Subject: RE: Proposed danger language

Would what I marked in red work?

- 1) No.
- 2) Yes. This subsection be should be reviewable like other decisions.

-----Original Message-----

From: Dsida, Michael
Sent: Wednesday, November 07, 2001 11:18 AM
To: Bruhn, Mike
Subject: Proposed danger language

(Suggested new text in bold)

(9r) EMERGENCY LICENSE. (a) A sheriff may issue a license under this section to an individual who does not satisfy the requirements under sub. (3) (h) if the sheriff determines that **immediate licensure is [necessary/warranted/an appropriate measure (you pick)] to protect the individual from a risk of death or great bodily harm (you could use substantial bodily harm or bodily harm instead; see below for the definitions of these terms) as defined in s. 939.22** and if the individual submits a fingerprint card that is taken by the sheriff and that bears the individual's index finger fingerprint.

Definitions

939.22(4)

(4) "Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.

939.22(14)

(14) "Great bodily harm" means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

939.22(38)

(38) "Substantial bodily harm" means bodily injury that causes a laceration that requires stitches; any fracture of a bone; a burn; a temporary loss of consciousness, sight or hearing; a concussion; or a loss or fracture of a tooth.

A couple of follow-up questions:

1. Should A be eligible for licensure under this subsection if a member of A's family -- but not A -- is at risk of death or bodily harm?
2. Should the sheriff's decision under this subsection be reviewable like other decisions? (It is under the bill as it is currently drafted.) As an alternative, the language could state that the decision is at the sheriff's sole discretion, in which case it probably could only be reversed by a court if the sheriff abused that discretion.

Mike Dsida
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