



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-1086/P1  
MGD/jld/pg p2

Thursday

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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

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, taken before the fourth month after the bill becomes law, 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; 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 a person's eligibility for 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.

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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.

4. 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.

5. 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.

6. 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  
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7. Requires <sup>suspension or</sup> the clerk of each court to notify the sheriff of court proceedings that would require revocation of a license.

8. 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.

9. 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.

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

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

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

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

20.370 (5) (c) <sup>(5)</sup> *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)~~ <sup>(CSY)</sup>

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 <sup>holding</sup> ~~who has been granted~~ <sup>valid</sup> a license to carry a  
23 concealed weapon <sup>issued</sup> under this section. <sup>any of the following:</sup>

24 (e) "Misdemeanor crime of violence" means <sup>§ 1.</sup> a misdemeanor violation of chs.  
25 940, 941, or 948 or of s. 947.013 or a violation of s. 947.01.

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1 (f) "Out-of-state authorization" means a <sup>valid</sup> permit or a <sup>valid</sup> 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 <sup>an individual</sup> a ~~person~~ who has been issued an  
5 out-of-state authorization <sup>(B) and who is not prohibited from possessing a firearm</sup>

6 (h) "Weapon" means a handgun, as defined in s. 175.35 (1) (b), an electric <sup>under</sup>  
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). <sup>each country, through its</sup>

11 (2) ISSUANCE OF LICENSE. (a) Except as provided in pars. (b) and (c), <sup>(L)</sup> 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) <sup>1.</sup> A sheriff <sup>may, but</sup> 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 <sup>a</sup> 1. 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 <sup>b</sup> 2. After receiving a request from the sheriff under subd. 1. <sup>a.</sup> 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 <sup>c</sup> (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

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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 ~~(e) 7. and 8., for purposes of notification under sub. (1) (d) 2, and for purposes of~~  
15 ~~appeal under sub. (14m).~~

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

20 (2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE OR  
21 AUTHORIZATION. (a) A licensee or an out-of-state licensee may carry a concealed  
22 weapon anywhere in this state except as provided under sub. (16). ✓

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

*noted in subd. 7. ✓*

1           7. The name of the county <sup>that</sup> 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 *NAME*

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

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

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

14           (b) The individual does not <sup>have</sup> ~~suffer from~~ a physical disability that prevents him  
15 or her from safely handling a weapon.

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

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

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

21           (f) During the preceding 3 years, the individual has not been convicted for any  
22 violation, ~~or for the solicitation~~, conspiracy, or attempt to commit any violation, of ch.  
23 961 or of <sup>*federal law or ✓*</sup> a law of another state that is comparable to any provision of ch. 961.

24           (g) The individual does not chronically and habitually use alcohol beverages or  
25 other substances to the extent that his or her normal faculties are impaired. A person  
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. <sup>In 2 or more cases arising out of separate incidents,</sup> A court has found the individual to have committed <sup>a</sup> ~~2 or more~~ drunken  
7 driving offenses.

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 subsds. 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<sup>✓</sup> 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<sup>✓</sup>, 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) <sup>of civil or</sup> There is ~~no~~ criminal case <sup>the disposition of</sup> 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 <sup>sub</sup> section. <sup>could</sup>

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 <sup>revocation</sup> denial is no longer applicable because of changed  
14 circumstances. <sup>(d), or (e)</sup>

15 (r) The individual has not been convicted of a violation of sub. (17) (c).

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.

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- 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).<sup>✓</sup>

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).<sup>✓</sup> 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),<sup>✓</sup> a sheriff may not issue a license until 7 days,  
10 subject to extension under sub. (9g) (b) 3. c.,<sup>✓</sup> 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 <sup>not disqualified</sup> qualified for a license under sub. (3) (d), (f),  
14 (g) 2. or 3., <sup>(k), (L),</sup> ~~(m), and (n)~~, <sup>(o), and (r)</sup><sup>✓</sup>

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, <sup>and</sup> 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), (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), (n)~~.

12 b. If the search indicates that the applicant is ~~qualified~~ <sup>not disqualified</sup> for a license under sub.  
13 (3) (d), (f), (g) 2. or 3., ~~(m), (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) <sup>✓</sup> 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).

(k), (l)

(o), or (r)



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).<sup>✓</sup> 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 subs. 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., <sup>(o), or (r)</sup> (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) <sup>and</sup> 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., <sup>(o), or (r)</sup> (m), ~~or~~ (n), the sheriff shall revoke the license.

22 (d) Notwithstanding sub. (7) (bd), (bh), (bp), and (bt) <sup>and (9a)(c) ?</sup> 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 <sup>would</sup> 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),

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

3. To investigate whether <sup>an individual</sup> ~~a licensee~~ intentionally falsely swore under sub. (6)

or (15) (b) ~~or~~ <sup>or intentionally made a false statement to a sheriff in connection with the individual's request for an emergency license</sup>

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

~~2. The department shall make the names of all licensees and the name of the county in which each licensee was licensed available to each clerk.~~

~~any of the following occurs with respect to a licensee, the clerk shall immediately notify the department of the name of any individual with respect to whom any of the following occurs:~~

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

b. The individual is charged with a drunken driving offense <sup>if a court has found</sup> ~~the individual to have committed one or more drunken driving offense within the preceding 3 years.~~

c. The individual is convicted of any crime <sup>or found by a court to have committed</sup> any offense described in subd. 2. a. or b.

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

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

and the reason for the notification:

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 REVOCATION AND SUSPENSION. (a) A sheriff shall revoke a license  
16 that he or she issued under this section if the licensee no longer meets all of the

17 criteria specified in sub. (3). *(c. If 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 ~~license~~ license until judgment is entered in the case. If the charge is

21 dismissed or the licensee is acquitted, the sheriff shall restore the ~~license~~ license  
22 unless the person ~~no longer~~ *to whom the license was issued* 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,*

*9 2.*

*Insert 22/5*

*Insert 22/6*

*Insert 22/17*

*Insert 22/19*

*Sheriff suspends license under subd. f. 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, <sup>or if the individual resides in a county other than the sheriff's county, or a county that</sup>  
 5 <sup>is a party to an agreement under sub. (2)(c) with the sheriff's county</sup> 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, <sup>the</sup> answer, and any records or documents  
6 submitted with the petition or <sup>the</sup> answer. The review under this paragraph shall be  
7 conducted by the court without a jury and shall be confined to the petition, <sup>the</sup> answer,  
8 and any records or documents submitted with the petition or <sup>the</sup> 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. <sup>9 (f)</sup> 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 <sup>(is)</sup> ~~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 <sup>an individual</sup> a licensee <sup>an</sup> submits a ~~renewal~~ application  
19 under par. (b) <sup>to renew an expired</sup> ~~after the expiration date of the~~ license he or she shall be assessed a late  
20 fee of \$15.

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

23 expire. <sup>An individual</sup> 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) ~~§~~ A place that has been declared a nuisance under ch. 823.

4 (b) ~~§~~ A police station, sheriff's office, or state patrol station. This <sup>paragraph</sup> ~~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) ~~§~~ A prison, jail, house of correction, or secured correctional facility.

9 (d) ~~§~~ 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) ~~§~~ 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) ~~§~~ A school administration building.

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

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

22 (j) ~~§~~ 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) <sup>or (c)</sup> 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, <sup>or</sup> 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

(N) *27/5*

(N) *27/7*

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~~ <sup>is party to an</sup> 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 <sup>received</sup> ~~collected~~  
10 by a sheriff <sup>from payments made</sup> 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~~ <sup>an individual holding a valid</sup> under s. 175.50,  
24 ~~or a person~~ <sup>an individual</sup> 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) <sup>An individual</sup> ~~person~~ 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, <sup>holding a valid</sup> 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 <sup>individual holding a valid</sup> ~~person~~ licensed ~~to carry a concealed weapon~~  
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:



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 <sup>✓</sup> 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 <sup>✓</sup> 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. <sup>✓</sup>

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 <sup>Submission</sup> ~~submission~~  
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. <sup>shall</sup>

INSERT 7/23

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

INSERT 13/15

(s) The individual is a Wisconsin resident.

INSERT 22/5

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

A court has prohibited the individual from possessing a dangerous weapon  
under s. 969.02 (3) (c).

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

INSERT 22/6

(a) Within 10 days after being charged under federal law or the law of another  
state with any crime or any drunk driving offense, a licensee shall notify the sheriff  
of the county that issued his or her license of the charge.

(b)

INSERT 22/17

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

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

6 INSERT 23/2

7 ~~§~~ 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 ~~§~~ 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  
Legislative Reference Bureau  
608/266-9867  
michael.dsida@state.legis.wi.us



FRIDAY

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Add'l changes  
on p. 20  
+ 16  
*[Signature]*

~~remove  
from hold~~

*Items  
summarized  
changes*

*[Signature]*

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) (csr), 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. *requiring the exercise of* ✓

**Analysis by the Legislative Reference Bureau**

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

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

a concealed weapon anywhere in this state except in particular places specified under the bill. These 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.

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, taken before the fourth month after the bill becomes law, to authorize the sheriff not to issue concealed weapons licenses. The county board's vote does not prohibit the sheriff from issuing licenses; he or she may still choose to do so. 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 does not have a physical disability that prevents him or her from safely handling a weapon; 3) he or she must be eligible to possess a firearm under federal law; 4) 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; 5) he or she must not have been committed for the treatment of drug dependency during the preceding three years; 6) he or she must not have been convicted of an offense relating to controlled substances during the preceding three years; 7) he or she must not chronically or habitually use alcohol or other substances to the extent that his or her normal faculties are impaired; 8) he or she must have successfully completed one of several specified firearms training or safety courses; 9) 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; 10) 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; and 11) he or she must be a Wisconsin resident. 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 help determine the person's eligibility for a license. The background check requirement does not apply to a person applying for a license if the person is a law enforcement officer, a correctional officer, a probation and parole agent, or a person holding a current certification from the law enforcement standards board.

In addition, the bill does all of the following:

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

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

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

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

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.

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

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

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.

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

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

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

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

2           20.370 (5) (csr) *Recreation aids — grants for shooting ranges.* All moneys  
3 received from the shooting range improvement fee under s. 175.50 (7) (bp) and (15)  
4 (b) 4. c. for the purpose of making grants and administering the grant program under  
5 s. 29.595.

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

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

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

11          25.29 (1) (a) Except as provided in ss. 25.293 and 25.295, all moneys accruing  
12 to the state for or in behalf of the department under chs. 26, 27, 28, 29 and 350,  
13 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  
14 to 30.55, 70.58, 71.10 (5) and, 71.30 (10), and 175.50 (7) (bp) and (15) (b) 4. c.,  
15 including grants received from the federal government or any of its agencies except  
16 as otherwise provided by law.

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

18          **29.595 Grants for shooting ranges.** (1) The department may award grants  
19 to persons for construction or improvement of shooting ranges. A grant awarded  
20 under this section shall be paid from the appropriation account under s. 20.370 (5)  
21 (csr).

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

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

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

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

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

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

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

18           59.25 (3) (u) 1. Subject to the terms of an agreement under s. 175.50 (2) (c),  
19 deposit all moneys received under s. 175.50 (7) (bd), (13), and (15) (b) 4. a. and (d) 1.  
20 in the general fund of the county.

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

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

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

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

9           165.82 (2) Except as provided in ~~s. ss.~~ 175.35 and 175.50, the department of  
10 justice shall not impose fees for criminal history searches for purposes related to  
11 criminal justice.

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

13           167.31 (4) (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply  
14 to the placement, possession, transportation, or loading of a firearm by a person who  
15 holds a valid license to carry a concealed weapon issued under s. 175.50 or an  
16 out-of-state licensee, as defined in s. 175.50 (1) (g).

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

18           **175.50 License to carry concealed weapon. (1) DEFINITIONS.** In this  
19 section:

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

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

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

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



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

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

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

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

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

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

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

17          (f) "Out-of-state authorization" means a valid permit or a valid license issued  
18 by another state documenting that a person is authorized under the law of that state  
19 to carry a concealed weapon in that state.

20          (g) "Out-of-state licensee" means an individual who has been issued an  
21 out-of-state authorization and who is not prohibited from possessing a firearm  
22 under s. 941.29 or from possessing a firearm that has been transported in interstate  
23 or foreign commerce under federal law.

24          (h) "Weapon" means a handgun, as defined in s. 175.35 (1) (b), an electric  
25 weapon, as defined in s. 941.295 (4), a tear gas gun, a knife other than a switchblade

1 knife under s. 941.24, or a billy club. "Weapon" does not include a machine gun, as  
2 defined in s. 941.27 (1), a short-barreled rifle, as defined in s. 941.28 (1) (b), or a  
3 short-barreled shotgun, as defined in s. 941.28 (1) (c).

4 (2) ISSUANCE OF LICENSE. (a) Except as provided in pars. (b) 1. and (c), each  
5 county, through its sheriff, shall issue licenses to carry a concealed weapon to an  
6 individual who meets the qualifications specified in sub. (3) and who completes the  
7 application process specified in sub. (7). A license to carry a concealed weapon issued  
8 under this section shall meet the requirements specified in sub. (2m).

9 (b) 1. A sheriff may, but is not required to, issue licenses to carry a concealed  
10 weapon under this section if, before the first day of the 4th month beginning after the  
11 effective <sup>date</sup> of this <sup>subdivision</sup> ~~paragraph~~... [revisor inserts date], all of the following occur:

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

14 b. After receiving a request from the sheriff under subd. 1. a., the county board  
15 of the sheriff's county grants the sheriff's request by a two-thirds vote of all the  
16 members of the board.

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

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

23 1. The agreement shall be in writing.

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

1           2m. The agreement shall specify how the powers and duties that are the subject  
2 of the agreement are to be allocated among the sheriffs that are parties to the  
3 agreement.

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

7           4. The agreement shall designate one county to be identified as the county of  
8 issuance.

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

13           **(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE OR**  
14 **AUTHORIZATION.** (a) A licensee or an out-of-state licensee may carry a concealed  
15 weapon anywhere in this state except as provided under sub. (16).

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

19           (c) If he or she is carrying a concealed weapon, a licensee shall display his or  
20 her license and an out-of-state licensee shall display his or her out-of-state  
21 authorization 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 and  
25 renewed under this section. The department shall complete the design of the license

1 document no later than the first day of the 4th month beginning after the effective  
2 date of this paragraph <sup>✓</sup> .... [revisor inserts date], and shall distribute the design for  
3 the license document to any sheriff who issues licenses under sub. (2) (a) or (c) for the  
4 sheriff to 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 listed in subd.  
20 7.

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

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

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

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

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

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

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

11           (f) During the preceding 3 years, the individual has not been convicted for any  
12 violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch.  
13 961 or of a federal law or a law of another state that is comparable to any provision  
14 of ch. 961.

15           (g) The individual does not chronically and habitually use alcohol beverages or  
16 other substances to the extent that his or her normal faculties are impaired. A person  
17 is presumed chronically and habitually to use alcohol beverages or other substances  
18 to the extent that his or her normal faculties are impaired if, within the preceding  
19 3 years, any of the following applies:

20           1. The individual has been committed for involuntary treatment under s. 51.45  
21 (13).

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

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

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

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

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

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

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

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

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

22           (j) The individual has not been involuntarily committed for treatment under  
23 s. 51.20 due to mental illness or a developmental disability or, if the individual has  
24 been involuntarily committed for treatment under s. 51.20 due to mental illness or  
25 a developmental disability, he or she shows, through evidence from a psychiatrist

1 licensed in this state, that he or she has not been disabled due to mental illness or  
2 a developmental disability for at least 5 years.

3 (k) The individual has not been found incompetent under s. 971.14 or, if the  
4 individual has been found incompetent under s. 971.14, one of the following applies:

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

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

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

15 (m) Within the preceding 3 years, the individual was not convicted of a  
16 misdemeanor crime of violence or was not serving a sentence, on probation, or subject  
17 to a dispositional order under ch. 938 for committing a misdemeanor crime of  
18 violence.

19 (n) 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 (o) The individual is not the subject of any pending civil or criminal case, the  
23 disposition of which could disqualify him or her from having a license under this  
24 subsection.

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

4 (q) The individual has not had a license that was issued under this section  
5 revoked, unless each reason for the revocation is no longer applicable because of  
6 changed circumstances.

7 (r) The individual has not been convicted of a violation of sub. (17) (c), (d), or  
8 (e).

9 (s) The individual is a Wisconsin resident.

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

19 ~~(a) The name and address of the applicant.~~

20 ~~(b) The date of birth of the applicant.~~

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

22 (e) A statement that the applicant is eligible for a license ~~under the~~  
23 <sup>if the</sup> requirements specified in sub. (3) <sup>are met</sup> ✓

⑨  
INS 14/18 ✓



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 if he or she gives a false answer to any question on the  
8 application or submits a falsified document with the application.

9 (i) A statement of the penalties for giving a false answer to any question on the  
10 application or submitting a falsified document with the application.

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. <sup>INS 15/14 ✓</sup> 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) (h).

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 to whom the sheriff issues a license under sub. (9r).

10 (9) PROCESSING OF APPLICATION. (a) <sup>Upon</sup> ~~the~~ receiving an application submitted  
11 under sub. (7), a sheriff shall ~~do all of the following~~ <sup>do</sup> ~~the~~ following: ~~do~~

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 record. 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 sub. (3). If the sheriff denies the application, he or she shall inform the  
3 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 <sup>the background check does not indicate that</sup> the applicant is not disqualified for a license under sub. (3) <sup>(c)</sup>,  
9 (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), and (r).

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, and race of the  
14 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. <sup>✓ (c),</sup> (3) <sup>^</sup>(d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r), 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. <sup>✓ (c),</sup> (3) <sup>^</sup>(d), (f),  
8 (g) 2. or 3., (k), (L), (m), (n), (o), or (r).

9           b. If the search indicates <sup>does not</sup> that the applicant is ~~not~~ disqualified for a license  
10 under sub. <sup>✓ (c),</sup> (3) <sup>^</sup>(d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r), 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. The department shall check each duplicate application form received  
9 under par. (d) against the information recorded by the department regarding the  
10 corresponding request for a firearms restrictions record search under this  
11 subsection. If the department previously provided a unique approval number  
12 regarding the request and nothing in the duplicate completed application form  
13 indicates that the applicant is not qualified for a license under sub. (3)<sup>(c)</sup>(d), (f), (g) 2.  
14 or 3., (k), (L), (m), (n), (o), or (r), the department shall, except as provided in subd. 2.,  
15 destroy all records regarding that firearms restrictions record search within 30 days  
16 after receiving the duplicate form. If the department previously provided a unique  
17 approval number regarding the request and the duplicate completed application  
18 form indicates that the applicant is not qualified for a license under sub. (3)<sup>(c)</sup>(d), (f),  
19 (g) 2. or 3., (k), (L), (m), (n), (o), or (r), the department shall immediately notify the  
20 sheriff who issued the license, and the sheriff shall revoke the license.

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

*→ immediate licensure is warranted to protect the individual from*

1 (9r) EMERGENCY LICENSE. (a) A sheriff may issue a license under this section  
2 to an individual who does not satisfy the requirements under sub. (3) (h) if the sheriff  
3 determines that ~~the individual is in imminent danger of death and if the individual~~  
4 ~~submits a fingerprint card that is taken by the sheriff and that bears the individual's~~  
5 ~~index finger fingerprint~~

*or great bodily harm,  
as defined in s. 939.22(14)*

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

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

11 2. If the department does not notify the sheriff that the individual does not  
12 qualify for a license under sub. <sup>(c)</sup> (3) (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r) and  
13 if the individual satisfies the requirement under sub. (3) (h) no later than 120 days  
14 from the date on which the license is issued, a license issued under par. (a) is valid  
15 for the period specified under sub. (15) (a) and may be renewed under sub. (15) (b).

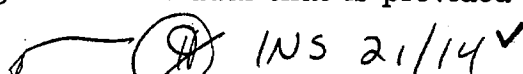
16 3. If the department notifies the sheriff that an individual to whom the sheriff  
17 has issued a license under par. (a) does not qualify for a license under sub. <sup>(c)</sup> (3) (d), (f),  
18 (g) 2. or 3., (k), (L), (m), (n), (o), or (r), the sheriff shall revoke the license.

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

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

- 1 (a) A law enforcement officer.  
2 (b) A correctional officer.  
3 (c) A probation, parole, and extended supervision agent.  
4 (d) A person who holds a current certification from the law enforcement  
5 standards board under s. 165.85 (3) (c).

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

11 (am) The department shall maintain a computerized record listing the names  
12 of all individuals who have been issued a license under this section along with the  
13 information concerning each individual that is provided to the department by a  
14 sheriff under par. (a).  INS 2/1/14 ✓

15 (c) The department and any sheriff issuing licenses under this section shall  
16 provide information concerning a specific licensee to a law enforcement agency if the  
17 law enforcement agency is requesting the information for any of the following  
18 purposes:

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

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

24 3. To investigate whether an individual intentionally falsely swore under sub.  
25 (6) or (15) (b) 2., intentionally violated sub. (12) (a), or intentionally made a false

1 statement to a sheriff in connection with the individual's request for an emergency  
2 license under sub. (9r).

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

7 2. The clerk shall immediately notify the department of the name of any  
8 individual with respect to whom any of the following occurs and the specific reason  
9 for the notification:

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

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

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

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

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

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

23 g. The individual is involuntarily committed for treatment under s. 51.20 or  
24 51.45.

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



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

3           j. A court has prohibited the individual from possessing a dangerous weapon  
4 under s. 969.02 (3) (c).

5           3. Upon receiving a notice under subd. 2., the department shall immediately  
6 determine if the individual who is the subject of the notice is a licensee, using the list  
7 maintained under par. (am). If the department determines that the individual is a  
8 licensee, the department shall immediately inform the sheriff of the county that  
9 issued the license of the individual's name and the basis for the notice under subd.  
10 2.

11           (12) UPDATED INFORMATION. (a) Within 10 days after being charged under  
12 federal law or the law of another state with any crime or any drunk driving offense,  
13 a licensee shall notify the sheriff of the county that issued his or her license of the  
14 charge.

15           (b) No later than 30 days after changing his or her address, a licensee shall  
16 inform the sheriff of the county that issued the license of his or her new address. The  
17 sheriff shall provide the individual's new address to the department for inclusion in  
18 the list under sub. (11) (am).

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

1           (14) LICENSE REVOCATION AND SUSPENSION. (a) A sheriff shall revoke a license  
2 that his or her county issued under this section if the licensee no longer meets all of  
3 the criteria specified in sub. (3).

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

6           a. The licensee is charged with a crime that, upon conviction, would disqualify  
7 him or her from having a license under this section.

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

10           c. The licensee is charged with a drunk driving offense and, during the  
11 preceding 3 years, the licensee was found by a court to have committed another  
12 drunk driving offense.

13           2. If the sheriff suspends a license under subd. 1., he or she shall restore the  
14 license if, upon disposition of the case, the person to whom the license was issued  
15 meets all of the criteria specified in sub. (3).

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

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

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

22 (c), the sheriff of any county that is a party to the agreement shall immediately  
23 attempt to inform the individual in person. If an individual is notified of the

24 revocation or suspension in person, the individual shall immediately relinquish the  
25 license document to the sheriff. If the sheriff is unable to inform the individual in

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

7 (14m) APPEALS. (a) A person aggrieved by any action by a sheriff denying,  
8 revoking, or suspending a license under this section may appeal directly to the circuit  
9 court of the sheriff's county or, if applicable, to the circuit court of the county of  
10 issuance designated under sub. (2) (c).

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

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

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

1 (e) The court shall review the petition, the answer, and any records or  
2 documents submitted with the petition or the answer. The review under this  
3 paragraph shall be conducted by the court without a jury and shall be confined to the  
4 petition, the answer, and any records or documents submitted with the petition or  
5 the answer, except that in cases of alleged irregularities in procedure by the sheriff  
6 the court may take testimony that the court determines is appropriate.

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

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

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

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

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

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

19 (c) 3. or (14).

(9r)  
(9g)(e) 1,  
↑

20 (b) The department shall design a form notice of expiration and shall distribute  
21 the form to any sheriff who issues licenses under sub. (2) (a) or (c) for use under this  
22 paragraph. At least 90 days before the expiration date of a license issued under this  
23 section, the sheriff who issued the license shall mail to the licensee a notice of  
24 expiration and a form for renewing the license. The sheriff shall renew the license  
25 if, before the date the license expires, the licensee does all of the following:

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

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

5           4. Pays all of the following:

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

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

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

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

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

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

17          2. If an individual whose license has expired does not submit a renewal  
18 application under par. (b) before 6 months after the expiration date, the license shall  
19 permanently expire. An individual whose license has permanently expired may be  
20 issued a new license if he or she applies for a license as provided under sub. (7).<sup>✓</sup>

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

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

24          (b) A police station, sheriff's office, or state patrol station. This paragraph does  
25 not prohibit a peace officer who is acting within the scope of his or her employment

1 from carrying a concealed weapon in a police station, sheriff's office, or state patrol  
2 station.

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

4 (d) A courthouse, except that a judge who is a licensee may carry a concealed  
5 weapon in a courthouse in which he or she is presiding in court or may permit in  
6 writing any other licensee or out-of-state licensee to carry a concealed weapon in a  
7 courthouse in which he or she is presiding in court.

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

11 (f) A school administration building.

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

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

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

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

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

20 (b) A licensee or an out-of-state licensee who violates sub. (16) may be fined  
21 not more than \$1,000 or imprisoned for not more than 90 days or both.

22 (c) Any person who intentionally falsely swears under sub. (6) or (15) (b) 2. or  
23 who intentionally makes a false statement to a sheriff in requesting or in connection  
24 with the issuance of an emergency license under sub. (9r) shall be fined not less than  
25 \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

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

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

7 (18) ACCESS TO RECORDS. Records created or kept under this section by the  
8 department or a sheriff, other than reports created under sub. (19) or records created  
9 under sub. (20), are not subject to access under s. 19.35.

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

18 (b) By March 1 of each year, the department shall submit a statistical report  
19 to the legislature under s. 13.172 (2) and to the governor that is compiled from the  
20 reports submitted under par. (a) and that indicates the number of licenses applied  
21 for, issued, denied, suspended, and revoked under this section during the previous  
22 calendar year. For the licenses denied, the report shall indicate the reasons for the  
23 denials and the part of the application process in which the reasons for denial were  
24 discovered. For the licenses suspended or revoked, the report shall indicate the  
25 reasons for the suspensions and revocations.

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

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

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

11       ~~440.26 (3r) CARRYING OF CONCEALED WEAPONS BY PRIVATE DETECTIVE. An~~  
12 ~~individual who is licensed as a private detective under this section and who is~~  
13 ~~licensed under s. 175.50 to carry a concealed weapon may carry a concealed weapon~~  
14 ~~as permitted under s. 175.50, including while he or she <sup>(S)</sup> acting as a private detective.~~

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

17       941.23 (1) Any person except a peace officer, an individual holding a valid  
18 license under s. 175.50, or an individual authorized under the law of another state  
19 to carry a concealed weapon in that state who goes armed with a concealed and  
20 dangerous weapon is guilty of a Class A misdemeanor.

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

22       941.23 (2) An individual formerly licensed under s. 175.50 whose license has  
23 been revoked or suspended under s. 175.50 (14) may not assert his or her refusal to  
24 accept or failure to receive a notice of revocation or suspension mailed under s. 175.50



1 (14) (b) 2. as a defense to prosecution under sub. (1), regardless of whether the person  
2 has complied with s. 175.50 (12).

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

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

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

12 941.295 (2) (bm) Any individual holding a valid license under s. 175.50 or  
13 authorized under the law of another state to carry a concealed weapon in that state.

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

15 946.32 (3) This section does not apply to offenses that may be prosecuted under  
16 s. 175.50 (17) (c).

17 **SECTION 15.** 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 or  
19 authorized under the law of another state to carry a concealed weapon who is  
20 carrying a concealed weapon as permitted under s. 175.50;

21 (END)

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MGD:.....

**INSERT 14/18**

9A

require the applicant to provide his or her name, address, date of birth, race, gender, height, weight, and hair and eye color and shall <sup>NO</sup>~~FF~~

**INSERT 15/14**

9A

An individual may apply for a license under this section <sup>✓</sup> with any sheriff.

**INSERT 21/14**

9A

After entering the information that it receives under par. (a), <sup>✓</sup> the department may not store, maintain, format, sort, or access the information in any way other than by the name of the licensee or the identification number assigned to the licensee under sub. (2m) (c) 8.

**INSERT 30/10**

**SECTION 1.** 440.26 (3m) <sup>✓</sup> of the statutes is amended to read:

440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS. The department shall promulgate rules relating to the carrying of dangerous weapons by a person who holds a license or permit issued under this section or who is employed by a person licensed under this section. The rules shall allow the person to carry a concealed weapon as permitted under s. 175.50 <sup>✓</sup> if the person is licensed under that <sup>✓</sup> section and shall meet the minimum requirements specified in 15 USC 5902 (b).

History: 1971 c. 213 s. 5; 1977 c. 29, 125, 418; 1979 c. 102 ss. 45, 236 (3); 1981 c. 334 s. 25 (1); 1981 c. 380, 391; 1983 a. 189 s. 329 (31); 1983 a. 273; 1985 a. 128, 135; 1991 a. 39, 269; 1993 a. 112, 213; 1995 a. 461; 1997 a. 27; 1999 a. 32.