

2003 DRAFTING REQUEST

Bill

Received: **01/29/2003**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Leon Young (608) 266-3786**

By/Representing: **Greg**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact: **Michael Miller**

Addl. Drafters:

Subject: **Criminal Law - guns and weapons**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Youngl@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Concealed weapons

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mdsida 02/13/2003	jdyer 02/17/2003	rschluet 02/17/2003	_____	sbasford 02/17/2003		S&L Crime
/P2	mdsida 03/10/2003	jdyer 03/10/2003	chaskett 03/10/2003	_____	amentkow 03/10/2003		S&L Crime
/1	mdsida	jdyer	rschluet	_____	lemery	lemery	S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	05/27/2003	05/27/2003	05/27/2003 _____		05/27/2003	05/27/2003	Crime

FE Sent For:

<END>

→ At
Intro.

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For A.

1 5/27 jld

5-27-3

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/P1	mdsida 02/13/2003	jdyer 02/17/2003	rschluet 02/17/2003	self CPH 3/10	sbasford 02/17/2003		S&L Crime

FE Sent For:

P2 3/10 jld
P2 3/10 CPH

<END>

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/P1	mdsida	pi 2/17 jld					

FE Sent For:

L-17-3

<END>

Dsida, Michael

Subject: FW: LRB Drafting Request

TO: Michael D. Dsida
From: Leon D. Young
RE: LRB Drafting Request
Date: January 28, 2003

Carrying Concealed Weapons

Amend Wisconsin Statutes 941.23 so that a repeat conviction for carrying a concealed weapon would be classified as a Class E Felony.

01/29/2003

2/12

Plc to Michael Miller - he sugg'd I call
Deputy Inspector Raymond Susik

414/935-7203

Plc to Greg

oh to call

Plc to Susik

~~left msg~~

Make it a Class I felony



Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 ^{Gen} AN ACT ...; relating to: carrying a concealed weapon and providing a [✓] penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person other than a peace officer may go armed with a concealed weapon. A person who violates this prohibition may be fined not more than \$10,000, sentenced to the county jail for up to nine months, or both. Under this bill, a person who unlawfully carries a concealed weapon after having been convicted previously of that offense may be fined not more than \$10,000, sentenced to a term of imprisonment (consisting of a term of confinement in state prison followed by a term of extended supervision) of up to three and ~~a~~ half years, or both. one-

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

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

2 SECTION 1. 939.632 (1) (e) 1. [✓] of the statutes, as affected by 2001 Wisconsin Act

3 109, [✓] is amended to read:

1 939.632 (1) (e) 1. Any felony[✓] under s. 940.01, 940.02, 940.03, 940.05, 940.09
 2 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20,
 3 941.21, 941.23 (2)[✓], 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1) or (2),
 4 948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, or 948.30 (2).

NOTE: NOTE: Subd. 1. is shown as amended eff. 2-1-03 by 2001 Wis. Act 109. Prior to 2-1-03 it reads: NOTE:

5 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1), 940.19 (2), (3), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20, 941.21, 943.02,
 6 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, 948.30 (2), 948.35 (1) (b) or (c)
 7 or 948.36.

History: 1995 a. 22; 2001 a. 109.

8 **SECTION 2.** 939.632 (1) (e) 3. of the statutes is amended to read:

9 939.632 (1) (e) 3. Any misdemeanor[✓] under s. 940.19 (1), 940.225 (3m), 940.32
 10 (2), 940.42, 940.44, 941.20 (1), 941.23 (1)[✓], 941.235, 941.24 or 941.38 (3).

History: 1995 a. 22; 2001 a. 109.

11 **SECTION 3.** 941.23[✓] of the statutes is renumbered 941.23 (1) and amended to
 12 read:

13 941.23 (1) ~~Any Except as provided in sub. (2)~~[✓], any person except a peace officer
 14 who goes armed with a concealed and dangerous weapon is guilty of a Class A
 15 misdemeanor.[✓]

History: 1977 c. 173; 1979 c. 115, 221.

16 **SECTION 4.** 941.23 (2)[✓] of the statutes is created to read:

17 941.23 (2) Any person who violates sub. (1)[✓] after having been convicted under
 18 sub. (1)[✓] is guilty of a Class I[✓] felony.

→ INSERT A

(END)

INSERT A

SECTION #. Am; 968.255 (1)(a)2.

968.255(1)(a)2. ³

✓ (2) Arrested for any misdemeanor under s. 167.30, 940.19, 941.20 (1), 941.23, ⁽¹⁾ 941.237, 941.24, 948.60, or 948.61.

(end insert A)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1834/P1
MGD:jld:rs

D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT *to renumber and amend* 941.23; *to amend* 939.632 (1) (e) 1., 939.632
2 (1) (e) 3. and 968.255 (1) (a) 2.; and *to create* 941.23 (2) of the statutes; **relating**
3 **to:** carrying a concealed weapon and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person other than a peace officer may go armed with a concealed weapon. A person who violates this prohibition may be fined not more than \$10,000, sentenced to the county jail for up to nine months, or both. Under this bill, a person who unlawfully carries a concealed weapon after having been convicted previously of that offense may be fined not more than \$10,000, sentenced to a term of imprisonment (consisting of a term of confinement in state prison followed by a term of extended supervision) of up to three and one-half years, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

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

1 **SECTION 1.** 939.632 (1) (e) 1. of the statutes, as affected by 2001 Wisconsin Act
2 109, is amended to read:

3 939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
4 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20,
5 941.21, 941.23 (2), 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1) or (2),
6 948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, or 948.30 (2).

7 **SECTION 2.** 939.632 (1) (e) 3. of the statutes is amended to read:

8 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
9 (2), 940.42, 940.44, 941.20 (1), 941.23 (1), 941.235, 941.24 or 941.38 (3).

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

12 941.23 (1) ~~Any~~ Except as provided in sub. (2), any person except a peace officer
13 who goes armed with a concealed and dangerous weapon is guilty of a Class A
14 misdemeanor.

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

16 941.23 (2) Any person who violates sub. (1) after having been convicted under
17 sub. (1) is guilty of a Class I felony.

18 **SECTION 5.** 968.255 (1) (a) 2. of the statutes is amended to read:

19 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20
20 (1), 941.23 (1), 941.237, 941.24, 948.60, or 948.61.

21

(END)

INS 2/20

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1834/P2dn

MGD:.....
^

Jed

Greg:

I added an initial applicability provision to this draft so that all offenses committed before the effective date could be counted as prior offenses.

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

1

INSERT 2/20

2

SECTION 1. Initial applicability.

of this subsection

3

(1) This act first applies to offenses committed on the effective date but does

4

not preclude ^{the} counting ^{of} other offenses as prior convictions for the purpose of

5

determining whether a person is subject to penalties under section 941.23 (2) of the

6

statutes, as created by this act.

(end ins 2/20)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1834/P2dn
MGD:jld:cph

Mar 10, 2003

Greg:

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Michael Dsida
Legislative Attorney
Phone: (608) 266-9867



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1834/P2

MGD:jld:cph

1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

~~No changes
except~~

Regen

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2 (1) (e) 3. and 968.255 (1) (a) 2.; and *to create* 941.23 (2) of the statutes; **relating**
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4 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20,
5 941.21, 941.23 (2), 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1) or (2),
6 948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, or 948.30 (2).

7 **SECTION 2.** 939.632 (1) (e) 3. [✓] of the statutes is amended to read:

8 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
9 (2), 940.42, 940.44, 941.20 (1), 941.23 (1), 941.235, 941.24 or 941.38 (3).

10 **SECTION 3.** 941.23 [✓] of the statutes is renumbered 941.23 (1) and amended to
11 read:

12 941.23 (1) ~~Any~~ Except as provided in sub. (2), any person except a peace officer
13 who goes armed with a concealed and dangerous weapon is guilty of a Class A
14 misdemeanor.

15 **SECTION 4.** 941.23 (2) [✓] of the statutes is created to read:

16 941.23 (2) Any person who violates sub. (1) after having been convicted under
17 sub. (1) is guilty of a Class I felony.

18 **SECTION 5.** 968.255 (1) (a) 2. of the statutes [✓] is amended to read:

19 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20
20 (1), 941.23 (1), 941.237, 941.24, 948.60, or 948.61.

21 **SECTION 6. Initial applicability.**

22 (1) This act first applies to offenses committed on the effective date of this
23 subsection but does not preclude the counting of other offenses as prior convictions

, as affected by 2001
Wisconsin Act
109,

1 for the purpose of determining whether a person is subject to penalties under section
2 941.23 (2) of the statutes, as created by this act.

3 (END)