

ENGROSSED 2003 SENATE BILL 214

1 **AN ACT** *to renumber and amend* 29.091, 29.621 (4), 941.23, 941.235 (2) and
2 943.13 (2); *to amend* 23.33 (3) (e), 29.089 (2), 51.20 (13) (cv) 4., 51.20 (16) (gm),
3 51.30 (3) (a), 165.82 (1) (intro.), 165.82 (2), 175.35 (1) (at), 175.35 (2) (d), 175.35
4 (2g) (c) 4. a. and b., 175.35 (2k) (ar) 2., 440.26 (3m), 813.12 (6) (am) 1., 813.12
5 (6) (am) 2., 813.122 (9) (am) 1., 813.122 (9) (am) 2., 813.125 (5r) (a), 813.125 (5r)
6 (b), 885.235 (1g) (intro.), 938.396 (8), 941.20 (1) (a), 941.20 (1) (b), 941.295 (2)
7 (d), 943.13 (1m) (b) and 943.13 (3); and *to create* 29.091 (2), 29.621 (4) (b), 55.06
8 (17) (d), 59.25 (3) (u), 165.25 (11), 167.31 (4) (ar), 175.35 (1) (am), 175.50,
9 885.235 (1g) (e), 938.396 (8m), 941.20 (1) (bm), 941.23 (1) (a), 941.23 (1) (b),
10 941.23 (1) (c), 941.23 (2), 941.235 (2) (c), 941.237 (3) (ct), 941.295 (2g), 941.295
11 (2r), 943.13 (1e) (bm), 943.13 (1e) (g), 943.13 (1m) (c), 943.13 (2) (bm), 946.32 (3),
12 948.605 (2) (c) and 948.61 (3m) of the statutes; **relating to:** carrying or going
13 armed with a concealed weapon, background checks for handgun purchases,

ENGROSSED SENATE BILL 214

1 requiring the exercise of rule-making authority, providing an exemption from
2 rule-making authority, and providing penalties.

Analysis by the Legislative Reference Bureau

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

3 **SECTION 1.** 23.33 (3) (e) of the statutes is amended to read:

4 23.33 **(3)** (e) With any firearm in his or her possession unless it is unloaded and
5 enclosed in a carrying case, ~~or.~~ This paragraph does not apply to the possession of
6 a handgun, as defined in s. 175.50 (1) (bm), by a person who holds a valid license to
7 carry a concealed weapon issued under s. 175.50 or by an out-of-state licensee, as
8 defined in s. 175.50 (1) (g).

9 (em) With any bow unless it is unstrung or enclosed in a carrying case.

10 **SECTION 2.** 29.089 (2) of the statutes is amended to read:

11 29.089 **(2)** Except as provided in sub. (3), no person may have in his or her
12 possession or under his or her control a firearm on land located in state parks or state
13 fish hatcheries unless the firearm is unloaded and enclosed within a carrying case.
14 This subsection does not apply if the firearm is a handgun, as defined in s. 175.50 (1)
15 (bm), and the person holds a valid license to carry a concealed weapon issued under
16 s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

17 **SECTION 3.** 29.091 of the statutes is renumbered 29.091 (1) and amended to
18 read:

19 29.091 **(1)** No person may hunt or trap within any wildlife refuge established
20 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession
21 or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,

ENGROSSED SENATE BILL 214

1 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
2 within a carrying case. The taking of predatory game birds and animals shall be done
3 as the department directs. All state wildlife refuge boundary lines shall be marked
4 by posts placed at intervals of not over 500 feet and bearing signs with the words
5 “Wisconsin Wildlife Refuge”.

6 **SECTION 4.** 29.091 (2) of the statutes is created to read:

7 29.091 (2) The prohibition of the possession or control of a loaded or unencased
8 gun or firearm in sub. (1) does not apply to the possession of a handgun, as defined
9 in s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon
10 issued under s. 175.50 or by an out-of-state licensee, as defined in s. 175.50 (1) (g).

11 **SECTION 5.** 29.621 (4) of the statutes is renumbered 29.621 (4) (a) and amended
12 to read:

13 29.621 (4) (a) Except as provided in s. 29.091 (1), no owner of a wildlife refuge,
14 and no other person, may hunt or trap within the boundaries of any wildlife refuge
15 or, except as provided in par. (b), have in his or her possession or under his or her
16 control in the wildlife refuge a gun, firearm, bow or crossbow, unless the gun or
17 firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or
18 crossbow is enclosed within a carrying case. Nothing in this section may prohibit,
19 prevent or interfere with the department in the destruction of injurious animals.

20 **SECTION 6.** 29.621 (4) (b) of the statutes is created to read:

21 29.621 (4) (b) The prohibition of the possession or control of a loaded or
22 unencased gun or firearm in par. (a) does not apply to the possession of a handgun,
23 as defined in s. 175.50 (1) (bm), by a person who holds a valid license to carry a
24 concealed weapon issued under s. 175.50 or an out-of-state licensee, as defined in
25 s. 175.50 (1) (g).

ENGROSSED SENATE BILL 214**SECTION 7**

1 **SECTION 7.** 51.20 (13) (cv) 4. of the statutes is amended to read:

2 51.20 **(13)** (cv) 4. If the court prohibits a subject individual from possessing a
3 firearm under subd. 1. or cancels a prohibition under subd. 2., the court clerk shall
4 notify the department of justice of that fact and provide any information identifying
5 the subject individual that is necessary to permit an accurate involuntary
6 commitment history record search under s. 175.35 (2g) (c) or a background check
7 under s. 175.50 (9g) (b). No other information from the subject individual's court
8 records may be disclosed to the department of justice except by order of the court.
9 The department of justice may disclose information provided under this subdivision
10 only as part of an involuntary commitment history record search under s. 175.35 (2g)
11 (c) or a background check under s. 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g)
12 (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

13 **SECTION 8.** 51.20 (16) (gm) of the statutes is amended to read:

14 51.20 **(16)** (gm) Upon a request under par. (a), a court may cancel the
15 prohibition under sub. (13) (cv) 1. if the court determines, based on evidence
16 presented on the issue of the subject individual's dangerousness, that there no longer
17 is a substantial probability that the individual may use a firearm to cause physical
18 harm to himself or herself or endanger public safety. If a court cancels a prohibition
19 under sub. (13) (cv) 1. under this paragraph, the court clerk shall notify the
20 department of justice of that fact and provide any information identifying the subject
21 individual that is necessary to permit an accurate involuntary commitment record
22 search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b). No
23 other information from the subject individual's court records may be disclosed to the
24 department of justice except by order of the court.

25 **SECTION 9.** 51.30 (3) (a) of the statutes is amended to read:

ENGROSSED SENATE BILL 214

1 51.30 (3) (a) Except as provided in pars. (b) and (c) and s. 175.50 (11) (d) 2. g.
2 and 3. and under rules that the department of justice promulgates under s. 175.35
3 (2g) (c) 3. or 175.50 (9g) (f), the files and records of the court proceedings under this
4 chapter shall be closed but shall be accessible to any individual who is the subject of
5 a petition filed under this chapter.

6 **SECTION 10.** 55.06 (17) (d) of the statutes is created to read:

7 55.06 (17) (d) Notwithstanding par. (a), information from records described in
8 par. (a) may be disclosed under rules that the department of justice promulgates
9 under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f).

10 **SECTION 11m.** 59.25 (3) (u) of the statutes is created to read:

11 59.25 (3) (u) 1. In this paragraph, “allocated license fees” means all money
12 received by the sheriff under s. 175.50 (7) (bd) or (15) (b) 4. a. or, if the sheriff is a party
13 to an agreement under s. 175.50 (2) (c), all money allocated to the sheriff under the
14 agreement from money received under s. 175.50 (7) (bd) or (15) (b) 4. a.

15 2. Deposit all of the following in the general fund of the county:

16 a. All allocated license fees, other than money derived from allocated license
17 fees that is deposited under subd. 5. b. in the segregated fund created under subd.

18 5. a.

19 b. All money received by the sheriff under s. 175.50 (7) (bp), (13), and (15) (b)
20 4. c., or, if the sheriff is a party to an agreement under s. 175.50 (2) (c), all money
21 allocated to the sheriff under the agreement from money received under s. 175.50 (7)
22 (bp), (13), and (15) (b) 4. c.

23 3. Forward all money received under s. 175.50 (7) (bh) and (15) (b) 4. b. to the
24 state treasurer for deposit in the general fund.

ENGROSSED SENATE BILL 214**SECTION 11m**

1 4. Deposit in the law enforcement excellence fund established under s. 175.50
2 (20) all money received by the sheriff under s. 175.50 (7) (bt) and (15) (b) 4. d., or, if
3 the sheriff is a party to an agreement under s. 175.50 (2) (c), all money allocated to
4 the sheriff under the agreement from money received under s. 175.50 (7) (bt) and (15)
5 (b) 4. d., and make payments from the fund for the purposes of s. 175.50 (20) (b).

6 5. a. Establish a segregated fund, payments from which may be used by the
7 sheriff for law enforcement purposes but which may not be used to supplant or
8 replace other funds otherwise available to the sheriff.

9 b. Deposit the amount of money, as determined by the treasurer, by which the
10 allocated license fees exceed the county's costs in issuing licenses to carry a concealed
11 weapon under s. 175.50, including any such costs incurred under an agreement
12 under s. 175.50 (2) (c).

13 c. Make payments from the fund as directed by the sheriff.

14 **SECTION 12.** 165.25 (11) of the statutes is created to read:

15 165.25 **(11)** RULES REGARDING CONCEALED WEAPONS LICENSES. (a) Promulgate
16 rules specifying all of the following:

17 1. A procedure by which a sheriff may file a petition under s. 175.50 (10m) and
18 a license may be revoked under s. 175.50 (14) with respect to a person who is issued
19 a license under s. 175.50 (9r) and who, as a result of being licensed, poses a
20 substantial risk to others.

21 2. A procedure to provide sheriffs notice of any order entered under s. 175.50
22 (10m) prohibiting a person from being licensed to carry a concealed weapon.

23 (b) Determine which states issue permits or licenses to carry a concealed
24 weapon to persons who meet firearms training requirements similar to those in s.

ENGROSSED SENATE BILL 214

1 175.50 (4m) (a) to (g) and pass criminal background checks in those states and
2 promulgate by rule a list of those states.

3 **SECTION 13.** 165.82 (1) (intro.) of the statutes, as affected by 2003 Wisconsin
4 Act 33, is amended to read:

5 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
6 impose the following fees, plus any surcharge required under sub. (1m), for criminal
7 history searches for purposes unrelated to criminal justice or to s. 175.35 or 175.50:

8 **SECTION 14.** 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 15.** 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 handgun, as defined in
15 s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon
16 issued under s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

17 **SECTION 16.** 175.35 (1) (am) of the statutes is created to read:

18 175.35 (1) (am) “Disqualifying mental health adjudication” means one of the
19 following events if it occurs in a proceeding that was not commenced by the person
20 who is the subject of the proceeding and if it is based on the person having markedly
21 subnormal intelligence or the person’s mental illness, incompetency, condition, or
22 disease:

23 1. An order entered by a court in this state that commits a person for treatment
24 in an inpatient mental health facility.

ENGROSSED SENATE BILL 214**SECTION 16**

1 2. A determination by a court in this state that a person is a danger to himself
2 or herself or others under s. 51.20 (1) (a) 2. or lacks the mental capacity to contract
3 or manage his or her own affairs.

4 **SECTION 17.** 175.35 (1) (at) of the statutes is amended to read:

5 175.35 (1) (at) “Firearms restrictions record search” means a search of
6 department of justice records to determine whether a person seeking to purchase a
7 handgun is prohibited from possessing a firearm under s. 941.29 or based on a
8 disqualifying mental health adjudication. “Firearms restriction record search”
9 includes a criminal history record search, a search to determine whether a person is
10 prohibited from possessing a firearm under s. 51.20 (13) (cv), a search to determine
11 whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal
12 injunction, as defined in s. 813.12 (1) (e), issued by a court established by any
13 federally recognized Wisconsin Indian tribe or band, except the Menominee Indian
14 tribe of Wisconsin, that includes notice to the respondent that he or she is subject to
15 the requirements and penalties under s. 941.29 and that has been filed with the
16 circuit court under s. 806.247 (3), and a search to determine whether the person is
17 prohibited from possessing a firearm under s. 813.125 (4m).

18 **SECTION 18.** 175.35 (2) (d) of the statutes is amended to read:

19 175.35 (2) (d) Forty-eight hours, subject to extension under sub. (2g) (c) 4. c.,
20 have elapsed from the time that the firearms dealer has received a confirmation
21 number regarding the firearms restrictions record search under sub. (2g) (c) from the
22 department of justice and the firearms dealer has not been notified that the transfer
23 would be in violation of s. 941.29 or that the transferee would be prohibited from
24 possessing a firearm based on a disqualifying mental health adjudication.

25 **SECTION 19.** 175.35 (2g) (c) 4. a. and b. of the statutes are amended to read:

ENGROSSED SENATE BILL 214

1 175.35 **(2g)** (c) 4. a. If the search indicates that the transferee is prohibited from
2 possessing a firearm under s. 941.29 or based on a disqualifying mental health
3 adjudication, the department shall provide the firearms dealer with a unique
4 nonapproval number. The department may not disclose to the firearms dealer the
5 reason the transferee is prohibited from possessing a firearm ~~under s. 941.29~~.

6 b. If the search indicates that the transferee is not prohibited from possessing
7 a firearm under s. 941.29 or based on a disqualifying mental health adjudication, the
8 department shall provide the firearms dealer with a unique approval number.

9 **SECTION 20.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

10 175.35 **(2k)** (ar) 2. Check each duplicate notification form received under sub.
11 (2j) against the information recorded by the department regarding the corresponding
12 request for a firearms restrictions record search under sub. (2g). If the department
13 previously provided a unique approval number regarding the request and nothing
14 in the duplicate completed notification form indicates that the transferee is
15 prohibited from possessing a firearm under s. 941.29 or based on a disqualifying
16 mental health adjudication, the department shall destroy all records regarding that
17 firearms restrictions record search within 30 days after receiving the duplicate form.

18 **SECTION 21.** 175.50 of the statutes is created to read:

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

21 (ab) “Alcohol beverages” has the meaning given in s. 125.02 (1).

22 (abm) “Alcohol concentration” has the meaning given in s. 340.01 (1v).

23 (ac) “Background check” means a search of department and court records
24 conducted under sub. (9g) to determine a person’s eligibility for a license to carry a
25 concealed weapon.

ENGROSSED SENATE BILL 214**SECTION 21**

1 (ag) Except in subs. (2g) (b) and (11) (c) 1. b., “carry” means to go armed with.

2 (ah) “Controlled substance” means a controlled substance, as defined in s.
3 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).

4 (aj) “Department” means the department of justice.

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

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

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

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

15 (bm) “Handgun” means any weapon designed or redesigned, or made or
16 remade, and intended to be fired while held in one hand and to use the energy of an
17 explosive to expel a projectile through a smooth or rifled bore. “Handgun” does not
18 include a machine gun, as defined in s. 941.27 (1), a short-barreled rifle, as defined
19 in s. 941.28 (1) (b), or a short-barreled shotgun, as defined in s. 941.28 (1) (c).

20 (bq) “Intoxicant” means any alcohol beverage, controlled substance, or other
21 drug, or any combination thereof.

22 (c) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

23 (d) “Licensee” means an individual holding a valid license to carry a concealed
24 weapon issued under this section.

25 (e) “Misdemeanor crime of violence” means any of the following:

ENGROSSED SENATE BILL 214

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

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

5 (eg) “Misdemeanor delinquency adjudication” means a finding that a juvenile
6 is delinquent for an act that would be a misdemeanor if committed by an adult.

7 (f) “Out-of-state authorization” means a valid permit document or a valid
8 license document issued by another state if all of the following apply:

9 1. The permit document or license document documents that a person is
10 authorized under the law of that state to carry a concealed weapon in that state.

11 2. The state is listed in the rule promulgated by the department of justice under
12 s. 165.25 (11) (b).

13 (g) “Out-of-state licensee” means an individual who is 21 years of age or over,
14 who is not a Wisconsin resident, who has been issued an out-of-state authorization,
15 and who is not prohibited from possessing a firearm under s. 941.29 or from
16 possessing a firearm that has been transported in interstate or foreign commerce
17 under federal law.

18 (h) “Private property” has the meaning given in s. 943.13 (1e) (e).

19 (i) “Proprietor” means a person to whom a Class “B” or “Class B” license or
20 permit has been issued under ch. 125.

21 (ig) “Purpose of authorized analysis” means for the purpose of determining or
22 obtaining evidence of the presence, quantity, or concentration of any intoxicant in a
23 person’s blood, breath, or urine.

24 (is) “Test facility” means a test facility or agency prepared to administer tests
25 under s. 343.305 (2).

ENGROSSED SENATE BILL 214**SECTION 21**

1 (j) “Weapon” means a handgun, an electric weapon, as defined in s. 941.295 (4),
2 a tear gas gun, a knife other than a switchblade knife under s. 941.24, or a billy club.

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

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

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

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

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

ENGROSSED SENATE BILL 214

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 DOCUMENT**
14 **OR 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. (15m) or (16) or s.
16 941.20 (1) (b) or 943.13 (1m) (c). This paragraph does not limit the right that a person
17 may have under s. 943.13 (1m) (c) to prohibit a licensee or an out-of-state licensee
18 from entering or remaining in a building used by a health care facility, as defined in
19 s. 150.84 (2), or a clinic or office that is used by a physician licensed under ch. 448
20 if the licensee or out-of-state licensee is carrying a concealed weapon. In this
21 paragraph, “building” includes a part of a building.

22 (b) A licensee shall carry his or her license document and an out-of-state
23 licensee shall carry his or her out-of-state authorization at all times during which
24 he or she is going armed with a concealed weapon.

ENGROSSED SENATE BILL 214**SECTION 21**

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

5 **(2i) PRELIMINARY BREATH SCREENING TEST.** (a) *Requirement.* A person shall
6 provide a sample of his or her breath for a preliminary breath screening test if a law
7 enforcement officer has probable cause to believe that the person is violating sub.
8 (16) (cm) 1. and if, prior to an arrest, the law enforcement officer requested that the
9 person provide this sample.

10 (b) *Use of test results.* A law enforcement officer may use the results of a
11 preliminary breath screening test for the purpose of deciding whether or not to arrest
12 a person for a violation of sub. (16) (cm) 1. or for the purpose of deciding whether or
13 not to request a chemical test under sub. (2k). Following the preliminary breath
14 screening test, chemical tests may be required of the person under sub. (2k).

15 (c) *Admissibility.* The result of a preliminary breath screening test is not
16 admissible in any action or proceeding except to show probable cause for an arrest,
17 if the arrest is challenged, or to show that a chemical test was properly required of
18 a person under sub. (2k).

19 (d) *Refusal.* There is no penalty for a violation of par. (a). Neither sub. (17) (b)
20 nor the general penalty provision under s. 939.61 applies to that violation.

21 **(2j) IMPLIED CONSENT.** Any person who carries a concealed weapon in this state
22 is deemed to have given consent to provide one or more samples of his or her breath,
23 blood, or urine for the purpose of authorized analysis as required under sub. (2k).
24 Any person who carries a concealed weapon in this state is deemed to have given

ENGROSSED SENATE BILL 214

1 consent to submit to one or more chemical tests of his or her breath, blood, or urine
2 for the purpose of authorized analysis as required under sub. (2k).

3 **(2k) CHEMICAL TESTS.** (a) *Requirement.* 1. ‘Samples; submission to tests.’ A
4 person shall provide one or more samples of his or her breath, blood, or urine for the
5 purpose of authorized analysis if he or she is arrested for a violation of sub. (16) (cm)
6 1. and if he or she is requested to provide the sample by a law enforcement officer.
7 A person shall submit to one or more chemical tests of his or her breath, blood, or
8 urine for the purpose of authorized analysis if he or she is arrested for a violation of
9 sub. (16) (cm) 1. and if he or she is requested to submit to the test by a law
10 enforcement officer.

11 2. ‘Information.’ A law enforcement officer requesting a person to provide a
12 sample or to submit to a chemical test under subd. 1. shall inform the person of all
13 of the following at the time of the request and prior to obtaining the sample or
14 administering the test:

15 a. That he or she is deemed to have consented to tests under sub. (2i).

16 b. That a refusal to provide a sample or to submit to a chemical test constitutes
17 a violation under par. (e) and is subject to the same penalties and procedures as a
18 violation of sub. (16) (cm) 1.

19 c. That in addition to the designated chemical test under par. (b) 2. he or she
20 may have an additional chemical test under par. (c) 1.

21 3. ‘Unconscious person.’ A person who is unconscious or otherwise not capable
22 of withdrawing consent is presumed not to have withdrawn consent under this
23 paragraph, and if a law enforcement officer has probable cause to believe that the
24 person violated sub. (16) (cm) 1., one or more chemical tests may be administered to

ENGROSSED SENATE BILL 214**SECTION 21**

1 the person without a request under subd. 1. and without providing information
2 under subd. 2.

3 (b) *Chemical tests.* 1. ‘Test facility.’ Upon the request of a law enforcement
4 officer, a test facility shall administer a chemical test of breath, blood, or urine for
5 the purpose of authorized analysis. A test facility shall be prepared to administer
6 2 of the 3 chemical tests of breath, blood, or urine for the purpose of authorized
7 analysis. The department may enter into agreements for the cooperative use of test
8 facilities.

9 2. ‘Designated chemical test.’ A test facility shall designate one chemical test
10 of breath, blood, or urine which it is prepared to administer first for the purpose of
11 authorized analysis.

12 3. ‘Additional chemical test.’ A test facility shall specify one chemical test of
13 breath, blood, or urine, other than the test designated under subd. 2., which it is
14 prepared to administer for the purpose of authorized analysis as an additional
15 chemical test.

16 4. ‘Validity; procedure.’ A chemical test of blood or urine conducted for the
17 purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties
18 and responsibilities of the laboratory of hygiene, department of health and family
19 services, and department of transportation under s. 343.305 (6) apply to a chemical
20 test of blood or urine conducted for the purpose of authorized analysis under this
21 subsection. Blood may be withdrawn from a person arrested for a violation of sub.
22 (16) (cm) 1. only by a physician, registered nurse, medical technologist, physician
23 assistant, or person acting under the direction of a physician and the person who
24 withdraws the blood, the employer of that person, and any hospital where blood is

ENGROSSED SENATE BILL 214

1 withdrawn have immunity from civil or criminal liability as provided under s.
2 895.53.

3 5. ‘Report.’ A test facility which administers a chemical test of breath, blood,
4 or urine for the purpose of authorized analysis under this subsection shall prepare
5 a written report which shall include the findings of the chemical test, the
6 identification of the law enforcement officer or the person who requested a chemical
7 test, and the identification of the person who provided the sample or submitted to the
8 chemical test. The test facility shall transmit a copy of the report to the law
9 enforcement officer and the person who provided the sample or submitted to the
10 chemical test.

11 (c) *Additional and optional chemical tests.* 1. ‘Additional chemical test.’ If a
12 person is arrested for a violation of sub. (16) (cm) 1. and if the person is requested to
13 provide a sample or to submit to a test under par. (a) 1., the person may request the
14 test facility to administer the additional chemical test specified under par. (b) 3. or,
15 at his or her own expense, reasonable opportunity to have any qualified person
16 administer a chemical test of his or her breath, blood, or urine for the purpose of
17 authorized analysis.

18 2. ‘Optional test.’ If a person is arrested for a violation of sub. (16) (cm) 1. and
19 if the person is not requested to provide a sample or to submit to a test under par. (a)
20 1., the person may request the test facility to administer a chemical test of his or her
21 breath or, at his or her own expense, reasonable opportunity to have any qualified
22 person administer a chemical test of his or her breath, blood, or urine for the purpose
23 of authorized analysis. If a test facility is unable to perform a chemical test of breath,
24 the person may request the test facility to administer the designated chemical test
25 under par. (b) 2. or the additional chemical test under par. (b) 3.

ENGROSSED SENATE BILL 214**SECTION 21**

1 3. 'Compliance with request.' A test facility shall comply with a request under
2 this paragraph to administer any chemical test that it is able to perform.

3 4. 'Inability to obtain chemical test.' The failure or inability of a person to
4 obtain a chemical test at his or her own expense does not preclude the admission of
5 evidence of the results of a chemical test required and administered under pars. (a)
6 and (b).

7 (d) *Admissibility; effect of test results; other evidence.* The results of a chemical
8 test required or administered under par. (a), (b), or (c) are admissible in any civil or
9 criminal action or proceeding arising out of the acts committed by a person alleged
10 to have violated sub. (16) (cm) 1. on the issue of whether the person had alcohol
11 concentrations at or above specified levels or was under the influence of an
12 intoxicant. Results of these chemical tests shall be given the effect required under
13 s. 885.235. This subsection does not limit the right of a law enforcement officer to
14 obtain evidence by any other lawful means.

15 (e) *Refusal.* No person may refuse a lawful request to provide one or more
16 samples of his or her breath, blood, or urine or to submit to one or more chemical tests
17 under par. (a). A person shall not be deemed to refuse to provide a sample or to submit
18 to a chemical test if it is shown by a preponderance of the evidence that the refusal
19 was due to a physical inability to provide the sample or to submit to the test due to
20 a physical disability or disease unrelated to the use of an intoxicant. Issues in any
21 action concerning a violation of par. (a) or this paragraph are limited to:

22 1. Whether the law enforcement officer had probable cause to believe the
23 person was violating or had violated sub. (16) (cm) 1.

24 2. Whether the person was lawfully placed under arrest for violating sub. (16)
25 (cm) 1.

ENGROSSED SENATE BILL 214

1 3. Whether the law enforcement officer requested the person to provide a
2 sample or to submit to a chemical test and provided the information required under
3 par. (a) 2. or whether the request and information were unnecessary under par. (a)
4 3.

5 4. Whether the person refused to provide a sample or to submit to a chemical
6 test.

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

14 (b) A license document for a license issued under this section shall contain all
15 of the following on one side:

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

17 2. A color photograph of the licensee.

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

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

21 5. The date on which the license expires.

22 6. The name of this state.

23 7. The name of the county that issues the license.

24 8. A unique identification number for each licensee that begins with a unique
25 code number, which the department shall establish, for the county listed in subd. 7.

ENGROSSED SENATE BILL 214**SECTION 21**

1 (c) The license document may not contain the licensee's social security number.

2 (d) A license document issued under this section shall be, to the maximum
3 extent possible, tamper proof. The contents of the license document shall be included
4 in the document in substantially the same way that the contents of an operator's
5 license document issued under s. 343.17 are included on that document.

6 **(3) QUALIFICATIONS FOR OBTAINING A LICENSE.** An individual is eligible for a
7 license under this section if all of the following apply:

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

9 (b) The individual does not have a physical disability that prevents him or her
10 from safely handling a weapon. The department shall promulgate rules specifying
11 the procedures and definitions that the sheriff is required to apply when determining
12 whether an individual is ineligible for a license under this section because he or she
13 has a physical disability that prevents him or her from safely handling a weapon.

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

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

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

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

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

ENGROSSED SENATE BILL 214

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

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

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

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

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 or class that meets the requirements under sub. (4m).

11 3. Successfully completed a firearm training or firearm safety course or class
12 that meets the requirements under sub. (4m) and that is conducted by an instructor
13 certified by the state in which the course or class was conducted, by the National Rifle
14 Association, or by another national or state organization that certifies firearms
15 instructors.

16 4. Successfully completed a firearm safety or firearm training course or class
17 that is available to the general public, that meets the requirements under sub. (4m),
18 and that is offered by a law enforcement agency, a private or public school,
19 institution, or organization, or a firearm training school, if the course or class uses
20 instructors certified by the National Rifle Association, by another national or state
21 organization that certifies firearms instructors, or by the department or if the
22 curriculum meets the minimum requirements of the law enforcement standards
23 board.

24 5. Successfully completed a firearm safety or firearm training course or class
25 that meets the requirements under sub. (4m) and that is offered for law enforcement

ENGROSSED SENATE BILL 214**SECTION 21**

1 officers, correctional officers, special deputies, private detectives licensed under s.
2 440.26, or other security or law enforcement personnel.

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

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

10 (im) The individual was not the subject of a protective placement under s. 55.06
11 as a minor unless at least 5 years have elapsed from the date on which his or her
12 protective placement ended.

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

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

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

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

ENGROSSED SENATE BILL 214

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

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

10 (mg) The individual has not been prohibited from obtaining a license under
11 sub. (10m) based on the individual having committed a misdemeanor crime of
12 violence.

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

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

19 (p) The individual has not previously submitted an application for a license
20 under this section to any county and had the application denied, unless each reason
21 for the denial is no longer applicable because of changed circumstances or, if the
22 denial was based on a restriction under this subsection that applies for a specified
23 period of time, because that time period has run.

24 (q) The individual has not had a license that was issued under this section
25 revoked, unless each reason for the revocation is no longer applicable because of

ENGROSSED SENATE BILL 214**SECTION 21**

1 changed circumstances or, if the revocation was based on a restriction under this
2 subsection that applies for a specified period of time, because that time period has
3 run.

4 (r) The individual has not been convicted under sub. (17) (c), (d), or (e).

5 (s) The individual is a Wisconsin resident.

6 **(3m)** FEDERAL PREEMPTION. The requirements under sub. (3) (e), (g) 1., (i), (im),
7 (j), (k), and (L) apply only to a person who may lawfully possess a firearm under
8 federal law.

9 **(4m)** COURSE OR CLASS REQUIREMENTS. A firearm training or firearm safety
10 course or class under sub. (3) (h) 2. to 5. shall provide the person taking the course
11 or class with information regarding electric weapons, as defined in s. 941.295 (4), and
12 shall include all of the following:

13 (a) Instruction on how to handle, load, unload, and store handguns.

14 (b) Instruction on the privilege of self-defense and the defense of others under
15 s. 939.48.

16 (c) Instruction on how to avoid injuring 3rd parties when defending himself,
17 herself, or others in a manner that is privileged under s. 939.48.

18 (d) Basic self-defense principles.

19 (e) Instruction on how to carry a concealed handgun safely.

20 (f) Instruction on firing a handgun.

21 (g) Practice firing a handgun.

22 **(5)** APPLICATION AND RENEWAL FORMS. The department shall design an
23 application form for use by individuals who apply for a license under this section and
24 a renewal form for use by individuals applying for renewal of a license under sub.
25 (15). The department shall complete the design of the application form no later than

ENGROSSED SENATE BILL 214

1 the first day of the 4th month beginning after the effective date of this subsection
2 [revisor inserts date], and shall complete the design of the renewal form no later than
3 the first day of the 54th month beginning after the effective date of this subsection
4 [revisor inserts date]. The department shall distribute the designs for both forms
5 to any sheriff who issues licenses under sub. (2) (a) or (c) for use in making the
6 application forms and the license renewal forms described in this section. The forms
7 designed by the department under this subsection shall only require the applicant
8 to provide his or her name, address, date of birth, race, gender, height, weight, and
9 hair and eye color and shall include all of the following:

10 (e) A statement that the applicant is eligible for a license if the requirements
11 specified in sub. (3) are met.

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

15 (g) A statement that the applicant has received a copy of this section, with a
16 place for the applicant to sign his or her name to indicate that he or she has read and
17 understands the requirements of this section.

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

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

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

ENGROSSED SENATE BILL 214**SECTION 21**

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

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

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

9 (bh) The fee for a background check specified in sub. (9g) (c).

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

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

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

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

16 **(9) PROCESSING OF APPLICATION.** (a) Upon receiving an application submitted
17 under sub. (7), a sheriff shall request that the department conduct a background
18 check, as provided under sub. (9g).

19 (b) Subject to pars. (c) and (d), within 30 days after receiving an application
20 under sub. (7), a sheriff shall do one of the following:

21 1. Issue the license and promptly send the licensee his or her license document
22 by 1st class mail.

23 2. Deny the application, but only if the applicant fails to qualify under the
24 criteria specified in sub. (3). If the sheriff denies the application, he or she shall

ENGROSSED SENATE BILL 214

1 inform the applicant in writing, stating the reason and factual basis for the denial
2 to the extent permitted under federal law.

3 (c) Except as provided in sub. (9r) or (10), a sheriff may not issue a license until
4 7 days, subject to extension under sub. (9g) (b) 3. c., have elapsed from the time that
5 the sheriff has received a confirmation number regarding the background check
6 under sub. (9g) (b) 1. from the department, unless the department has notified the
7 sheriff that the background check does not indicate that the applicant is disqualified
8 for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r).

9 (d) The time period specified in par. (b) is tolled during the pendency of any
10 action brought under sub. (10m).

11 **(9g) BACKGROUND CHECKS.** (a) A sheriff shall request that the department
12 conduct a background check by calling the department, using a toll-free telephone
13 number provided by the department, and providing the department with the name,
14 date of birth, gender, and race of the applicant.

15 (b) Upon receiving a request under par. (a), the department shall conduct a
16 background check 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 background check regarding an applicant
20 for a license under this section. In conducting a background check under this
21 subdivision, the department shall use the transaction information for management
22 of enforcement system and the national crime information center system.

23 3. The department shall notify the sheriff, either during the initial telephone
24 call or as soon thereafter as practicable, of the results of the background check as
25 follows:

ENGROSSED SENATE BILL 214**SECTION 21**

1 a. If the background check indicates that the applicant does not qualify for a
2 license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the
3 department shall provide the sheriff with a unique nonapproval number. The
4 department shall disclose to the sheriff the reason the applicant does not qualify for
5 a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r).

6 b. If the completed background check does not indicate that the applicant is
7 disqualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),
8 (n), (o), or (r), the department shall provide the sheriff with a unique approval
9 number.

10 c. If the background check indicates that the applicant was the subject of a
11 relevant criminal charge for which there is no recorded disposition or if, in the case
12 of a misdemeanor delinquency adjudication, the background check does not indicate
13 how long the resultant dispositional order was in effect, and the 7-day time period
14 described in sub. (9) (c) has not yet run, that time period is extended by 72 hours.
15 The department shall notify the sheriff of the extension as soon as practicable.
16 During the extended period, the department shall make all reasonable efforts to
17 obtain the missing information and shall notify the sheriff of the results of its efforts
18 as soon as practicable.

19 (bm) The department shall conduct the background check under par. (b)
20 immediately if, when requesting it under par. (a), the sheriff informs the department
21 that the background check is for an applicant for an emergency license under sub.
22 (9r).

23 (c) The department shall charge a sheriff a fee of \$8 for each background check
24 that the sheriff requests under par. (a), except that the department shall waive the
25 fee if, when requesting the background check, the sheriff informs the department

ENGROSSED SENATE BILL 214

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

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 background checks under
6 this subsection. The sheriff shall mail a duplicate copy of each completed application
7 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 background check under this subsection. If the
11 department previously provided a unique approval number regarding the request
12 and nothing in the duplicate completed application form indicates that the applicant
13 is not qualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),
14 (n), (o), or (r), the department shall, except as provided in subd. 2., destroy all records
15 regarding that background check within 30 days after receiving the duplicate form.
16 If the department previously provided a unique approval number regarding the
17 request and the duplicate completed application form indicates that the applicant is
18 not qualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),
19 (n), (o), or (r), the department shall immediately notify the sheriff who issued the
20 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 background checks under this
24 subsection together with confirmation numbers and unique approval and
25 nonapproval numbers corresponding to those dates.

ENGROSSED SENATE BILL 214**SECTION 21**

1 (f) The department shall promulgate rules authorizing it to obtain records
2 necessary to determine an applicant's eligibility under sub. (3) (e), (g) 1., (i), (im), and
3 (j) for a license issued under this section. The department may not disclose
4 information that it obtains under rules issued under this paragraph except to a
5 sheriff under par. (b) 3. or sub. (9r) (b) 2. or (11) (d) 3.

6 **(9r) EMERGENCY LICENSE.** (a) Unless the sheriff knows that the person is not
7 qualified for a license under sub. (3) (a) to (g) or (i) to (s), a sheriff may issue a license
8 under this section to an individual who does not satisfy the requirements under sub.
9 (3) (h) without regard for the waiting period under sub. (9) (c) if the sheriff determines
10 that immediate licensure is warranted to protect the individual from death or great
11 bodily harm, as defined in s. 939.22 (14). A sheriff who issues a license under this
12 paragraph shall notify the department and request an immediate background check
13 under sub. (9g).

14 (b) 1. Except as provided in subd. 2. and par. (d), a license issued under par. (a)
15 is valid for 120 days from the date on which it is issued and may not be renewed.

16 2. 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. (3) (c), (d),
18 (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the sheriff shall revoke the license.

19 (c) 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. The department shall promulgate rules specifying the procedures
23 and definitions that the sheriff is required to apply when determining whether an
24 individual is eligible for a waiver of the fees for an emergency license under this
25 section as provided under this paragraph.

ENGROSSED SENATE BILL 214

1 (d) A person who has been issued a license under par. (a) may obtain a license
2 under sub. (2) if he or she meets the qualifications specified under sub. (3) and
3 completes the application process specified in sub. (7). A license issued to a person
4 under par. (a) is void if the person is issued a license under sub. (2).

5 **(10) EXEMPTION FROM BACKGROUND CHECK.** Notwithstanding subs. (9) (a) and
6 (15) (c), a sheriff shall issue or renew a license under this section to any of the
7 following individuals without waiting 7 days or requesting a background check:

8 (a) A law enforcement officer.

9 (b) A correctional officer.

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

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

13 **(10m) DISQUALIFICATION PETITION REGARDING CERTAIN MISDEMEANANTS.** (a) If a
14 sheriff receives an application for a license under this section from a person who has
15 committed a misdemeanor crime of violence and the person is eligible for a license
16 under sub. (3) (m), the sheriff may file a petition under this subsection asking the
17 circuit court to enter an order barring the person from receiving a license. The
18 petition shall allege that the person would pose a substantial risk to others if the
19 person were granted a license under this section.

20 (b) The sheriff shall file any such petition in the circuit court of the sheriff's
21 county, or if applicable, the circuit court of the county of issuance designated under
22 sub. (2) (c). The sheriff may not file the petition more than 30 days after receiving
23 the person's completed application, unless the person was issued a license under sub.
24 (9r). The court shall allow the person 30 days to file an answer to the petition. The
25 court may hold an evidentiary hearing on the petition.

ENGROSSED SENATE BILL 214**SECTION 21**

1 (c) If the court determines, by clear and convincing evidence, that the person
2 would pose a substantial risk to others if the person were granted a license under this
3 section, the court shall enter an order prohibiting the person from obtaining a license
4 under this section.

5 (d) If the court denies the sheriff's petition, the court shall award the person
6 costs and reasonable attorney fees.

7 (e) The court shall expedite any proceeding brought under this subsection.

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

13 (am) The department shall maintain a computerized record listing the names
14 of all individuals who have been issued a license under this section along with the
15 information concerning each individual that is provided to the department by a
16 sheriff under par. (a). After entering the information that it receives under par. (a),
17 the department may not store, maintain, format, sort, or access the information in
18 any way other than by the name of the licensee or the identification number assigned
19 to the licensee under sub. (2m) (b) 8.

20 (c) 1. The department and any sheriff issuing licenses under this section shall
21 provide information concerning a specific licensee to a law enforcement agency, but
22 only if the law enforcement agency is requesting the information for any of the
23 following purposes:

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

ENGROSSED SENATE BILL 214

1 b. To confirm that the individual holds a valid license under this section, if the
2 individual is going armed with a concealed weapon but is not carrying his or her
3 license document and claims to hold a valid license issued under this section.

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

8 2. If the department maintains information compiled under this section
9 regarding licensees through the transaction information for the management of
10 enforcement system and a law enforcement officer uses that system in the context
11 of a vehicle stop that meets the requirements of s. 349.02 (2) (a), the law enforcement
12 officer may only obtain information from that system regarding the licensee's status
13 as a licensee for the purposes listed in subd. 1.

14 (d) 1. In this paragraph:

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

18 b. "Court automated information systems" means the systems under s. 758.19
19 (4).

20 2. The court automated information systems, or the clerk or register in probate,
21 if the information is not contained in or cannot be transmitted by the court
22 automated information systems, shall promptly notify the department of the name
23 of any individual with respect to whom any of the following occurs and the specific
24 reason for the notification:

ENGROSSED SENATE BILL 214**SECTION 21**

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

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

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

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

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

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

14 g. The individual is involuntarily committed for treatment under s. 51.20 or
15 51.45.

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

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

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

21 3. Upon receiving a notice under subd. 2., the department shall immediately
22 determine if the individual who is the subject of the notice is a licensee, using the list
23 maintained under par. (am). If the department determines that the individual is a
24 licensee, the department shall immediately inform the sheriff of the county that

ENGROSSED SENATE BILL 214

1 issued the license of the individual's name and the basis for the notice under subd.
2 2.

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

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

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

17 **(14)** LICENSE REVOCATION AND SUSPENSION. (a) A sheriff shall revoke a license
18 that his or her county issued under this section if the licensee no longer meets all of
19 the criteria specified in sub. (3) (b) to (g), (i) to (n), or (p) to (s).

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

22 a. The licensee is the subject of a pending civil or criminal case, the disposition
23 of which could require revocation of his or her license under par. (a).

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

ENGROSSED SENATE BILL 214**SECTION 21**

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

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

6 2. A sheriff who suspends or revokes a license issued under this section shall
7 send the individual whose license has been suspended or revoked notice of the
8 suspension or revocation by certified mail within one day after the suspension or
9 revocation. Within 7 days after receiving the notice, the individual whose license has
10 been suspended or revoked shall deliver the license document personally or by
11 certified mail to the sheriff.

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

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

ENGROSSED SENATE BILL 214

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

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

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

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

- 16 1. That the sheriff failed to follow procedure prescribed under this section.
- 17 2. That the sheriff erroneously interpreted a provision of law and a correct
18 interpretation compels a different action.
- 19 3. That the sheriff's action depends on a finding of fact that is not supported
20 by substantial evidence in the record.

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

23 **(15) LICENSE EXPIRATION AND RENEWAL.** (a) Except as provided in sub. (9r) (b)
24 1., a license issued under this section is valid for a period of 5 years from the date on

ENGROSSED SENATE BILL 214**SECTION 21**

1 which the license is issued unless the license is suspended or revoked under sub. (9g)
2 (e) 1. or (14).

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

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

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

13 4. Pays all of the following:

14 a. A fee set by the sheriff that does not exceed either the cost to the sheriff of
15 renewing a license issued under this section, including the cost of equipment
16 purchase or rental, or \$75, whichever is less.

17 b. The fee for a background check specified in sub. (9g) (c).

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

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

20 (c) The sheriff shall request that the department conduct a background check
21 of a licensee as provided under sub. (9g) before renewing the licensee's license under
22 par. (b).

23 (d) If an individual whose license has expired does not submit a renewal
24 application under par. (b) before 6 months after the expiration date, the license shall

ENGROSSED SENATE BILL 214

1 permanently expire. An individual whose license has permanently expired may be
2 issued a new license if he or she applies for a license under sub. (7).

3 **(15m) PRIVATE EMPLOYER RESTRICTIONS.** (a) Except as provided in par. (b), a
4 private employer may prohibit a licensee or an out-of-state licensee that it employs
5 from carrying a concealed weapon or a particular type of concealed weapon in the
6 course of the licensee's or out-of-state licensee's employment or during any part of
7 the licensee's or out-of-state licensee's course of employment.

8 (b) A private employer may not prohibit a licensee or an out-of-state licensee,
9 as a condition of employment, from carrying a concealed weapon or a particular type
10 of concealed weapon in the licensee's or out-of-state licensee's own motor vehicle,
11 regardless of whether the motor vehicle is used in the course of employment.

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

14 1. A place that has been declared a nuisance under ch. 823.

15 2. A police station, sheriff's office, or state patrol station. This subdivision does
16 not prohibit a peace officer who is acting within the scope of his or her employment
17 from carrying a concealed weapon in a police station, sheriff's office, or state patrol
18 station.

19 3. A prison, jail, house of correction, or secured correctional facility.

20 4. A courthouse, except that a judge who is a licensee may carry a concealed
21 weapon in a courthouse in which he or she is presiding in court and may permit in
22 writing any other licensee or out-of-state licensee to carry a concealed weapon in a
23 courthouse in which he or she is presiding in court.

ENGROSSED SENATE BILL 214**SECTION 21**

1 5. A place at which a school, college, or professional athletic event is taking
2 place, unless the event is related to firearms and the licensee or out-of-state licensee
3 is a participant in the event.

4 5m. A place at which an organized youth sporting event is taking place.

5 6. A school administration building.

6 7. Any premises for which a Class “B” or “Class B” license or permit has been
7 issued under ch. 125, unless one of the following applies:

8 a. The licensee or the out-of-state licensee is a person described in s. 941.237
9 (3) (a), (b), (c), (cm), or (d).

10 b. If the licensee or the out-of-state licensee is carrying a handgun, his or her
11 possession of the handgun is described in s. 941.237 (3) (e), (f), (g), (h), (i), or (j).

12 8. An airport, unless the weapon is encased for shipment as baggage to be
13 transported by aircraft.

14 9. A place in which carrying the weapon is prohibited by federal law.

15 10. A building or part of a building used for religious worship or another
16 religious purpose.

17 11. A building or part of a building that is used to provide child care services.

18 12. A building or part of a building that is used for a domestic violence victim
19 services program or by an organization that provides a safe haven for victims of
20 domestic violence.

21 13. A building or part of a building used by a health care facility, as defined in
22 s. 150.84 (2), or by a clinic or office that is used by a physician licensed under ch. 448.

23 14. A building located on the campus of a private or public university, college,
24 or technical college.

ENGROSSED SENATE BILL 214

1 15. A building or part of a building used for instructional purposes by a private
2 or public university, college, or technical college.

3 16. A kindergarten facility or classroom.

4 (am) Notwithstanding par. (a) 10., 11., 12., and 13., the owner or authorized
5 representative may permit a licensee or out-of-state licensee to carry a concealed
6 weapon in any of the places mentioned in par. (a) 10., 11., 12., or 13.

7 (at) Neither a licensee nor an out-of-state licensee may carry a concealed
8 weapon in a building owned or leased by the state or any political subdivision of the
9 state if the building provides electronic screening for weapons at all public entrances
10 to the building and for the locked storage of weapons on the premises while the
11 licensee or out-of-state licensee is in the building. This paragraph does not apply
12 to:

13 1. Peace officers or armed forces or military personnel who go armed in the line
14 of duty.

15 2. A person authorized to carry a weapon in the building by the chief of police
16 of the city, village, or town or the sheriff of the county in which the building is located.

17 3. A person authorized to carry a weapon in the building by the chief of the
18 capitol police, if the building is owned or leased by the state.

19 (b) Neither a licensee nor an out-of-state licensee may knowingly carry a
20 handgun in a school zone, as defined in s. 948.605 (1) (c), unless he or she is not in
21 or on the grounds of a school, as defined in s. 948.61 (1) (b), and one of the following
22 applies:

23 1. The individual is in a motor vehicle or on a snowmobile or bicycle.

24 2. The individual has exited a motor vehicle and is encasing the handgun or
25 storing it in the motor vehicle.

ENGROSSED SENATE BILL 214**SECTION 21**

1 3. The individual is traveling directly to any person's private property from his
2 or her place of employment or business, from any person's private property, or from
3 a place outside of the school zone.

4 4. The individual is traveling directly to his or her place of employment or
5 business from another place of his or her employment or business, from any person's
6 private property, or from a place outside of the school zone.

7 5. The individual is traveling directly to a place outside of the school zone from
8 another place outside of the school zone, from any individual's private property, or
9 from his or her place of employment or business.

10 6. The individual's possession of the handgun is described in s. 948.605 (2) (b).

11 (c) Neither a licensee nor an out-of-state licensee may carry a weapon other
12 than a handgun on school premises, as defined in s. 948.61 (1) (c), unless he or she
13 is a person described in or a person whose conduct is described in s. 948.61 (3).

14 (cm) 1. A person may not carry a concealed weapon if any of the following
15 applies:

16 a. The person's alcohol concentration exceeds 0.08.

17 b. The person is under the influence of an intoxicant to a degree which
18 materially impairs his or her ability to handle the weapon.

19 2. A person may be charged with and a prosecutor may proceed upon a
20 complaint based upon a violation of subd. 1. a. or b. or both for acts arising out of the
21 same incident or occurrence. If the person is charged with violating both subd. 1. a.
22 and b., the offenses shall be joined. Subdivision 1. a. and b. each requires proof of a
23 fact for conviction which the other does not require.

24 (d) This subsection does not apply to a peace officer, as defined in s. 939.22 (22).

ENGROSSED SENATE BILL 214

1 **(17) PENALTIES.** (a) Any person who violates sub. (2g) (b) or (c) may be required
2 to forfeit not more than \$25.

3 (b) Any person who violates sub. (2k) (e) or (16) may be fined not more than
4 \$1,000 or imprisoned for not more than 90 days or both.

5 (c) Any person who intentionally falsely swears under sub. (6) or (15) (b) 2. or
6 who intentionally makes a false statement to a sheriff in requesting or in connection
7 with the issuance of an emergency license under sub. (9r) shall be fined not less than
8 \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

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

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

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

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

ENGROSSED SENATE BILL 214**SECTION 21**

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

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

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

18 **(20m)** GRANTS FOR SHOOTING RANGES. (a) Using the fees collected under sub.
19 (7) (bp) and (15) (b) 4. c., a sheriff issuing licenses under this section shall award
20 grants to persons for construction or improvement of shooting ranges.

21 (b) A grant awarded under this subsection may be for up to 50% of the cost of
22 the construction or improvement of the shooting range. A grant awarded under this
23 subsection may not be used to pay for any of the following:

24 1. The construction of clubhouses and facilities that are not essential to the
25 operation of the shooting range.

ENGROSSED SENATE BILL 214

1 2. The operation and maintenance of the shooting range.

2 (c) In order to receive a grant under this subsection, the person creating or
3 improving a shooting range shall agree to provide, for a fee of not more than \$20, a
4 firearm safety course or class that will qualify an individual to satisfy the
5 requirements under sub. (3) (h) for a license to carry a concealed weapon.

6 (d) In determining whether to make a grant under this subsection to a
7 particular applicant, the sheriff shall consider the potential of the project to meet the
8 needs of firearm safety courses or classes that meet the requirements under sub.
9 (4m) in the area served by the shooting range relative to the proposed cost of the
10 construction or improvement.

11 **(21) IMMUNITY.** (a) The department and its employees, sheriffs and their
12 employees, clerks, as defined in sub. (11) (d) 1. a., and their staff, court automated
13 information systems, as defined under sub. (11) (d) 1. b., and its employees, and
14 counties and their employees are immune from liability arising from any act or
15 omission under this section, if done in good faith.

16 (b) A person providing a firearm safety or firearm training course or class in
17 good faith is immune from liability arising from any act or omission related to the
18 course or class if the course or class is one described in sub. (3) (h).

19 (c) A business or a nonprofit organization that permits a person to carry a
20 concealed weapon on property that it owns or occupies is immune from any liability
21 arising from its decision to do so, if done in good faith.

22 (d) An employer that permits any of its employees to carry a concealed weapon
23 under sub. (15m) is immune from any liability arising from its decision to do so, if
24 done in good faith.

25 **SECTION 22.** 440.26 (3m) of the statutes is amended to read:

ENGROSSED SENATE BILL 214**SECTION 22**

1 440.26 **(3m)** RULES CONCERNING DANGEROUS WEAPONS. The department shall
2 promulgate rules relating to the carrying of dangerous weapons by a person who
3 holds a license or permit issued under this section or who is employed by a person
4 licensed under this section. The rules shall allow the person to go armed with a
5 concealed weapon as permitted under s. 175.50 if the person is licensed under that
6 section and shall meet the minimum requirements specified in 15 USC 5902 (b).

7 **SECTION 23.** 813.12 (6) (am) 1. of the statutes is amended to read:

8 813.12 **(6)** (am) 1. If an injunction is issued or extended under sub. (4) or if a
9 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify
10 the department of justice of the injunction and shall provide the department of
11 justice with information concerning the period during which the injunction is in
12 effect and information necessary to identify the respondent for purposes of a firearms
13 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
14 175.50 (9g) (b).

15 **SECTION 24.** 813.12 (6) (am) 2. of the statutes is amended to read:

16 813.12 **(6)** (am) 2. Except as provided in subd. 3., the department of justice may
17 disclose information that it receives under subd. 1. only as part of a firearms
18 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
19 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or
20 (11) (d) 3.

21 **SECTION 25.** 813.122 (9) (am) 1. of the statutes is amended to read:

22 813.122 **(9)** (am) 1. If an injunction is issued or extended under sub. (5), the
23 clerk of the circuit court shall notify the department of justice of the injunction and
24 shall provide the department of justice with information concerning the period
25 during which the injunction is in effect and information necessary to identify the

ENGROSSED SENATE BILL 214

1 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
2 (c) or a background check under s. 175.50 (9g) (b).

3 **SECTION 26.** 813.122 (9) (am) 2. of the statutes is amended to read:

4 813.122 (9) (am) 2. Except as provided in subd. 3., the department of justice
5 may disclose information that it receives under subd. 1. only as part of a firearms
6 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
7 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or
8 (11) (d) 3.

9 **SECTION 27.** 813.125 (5r) (a) of the statutes is amended to read:

10 813.125 (5r) (a) If an order prohibiting a respondent from possessing a firearm
11 is issued under sub. (4m), the clerk of the circuit court shall notify the department
12 of justice of the existence of the order prohibiting a respondent from possessing a
13 firearm and shall provide the department of justice with information concerning the
14 period during which the order is in effect and information necessary to identify the
15 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
16 (c) or a background check under s. 175.50 (9g) (b).

17 **SECTION 28.** 813.125 (5r) (b) of the statutes is amended to read:

18 813.125 (5r) (b) Except as provided in par. (c), the department of justice may
19 disclose information that it receives under par. (a) only as part of a firearms
20 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
21 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or
22 (11) (d) 3.

23 **SECTION 29.** 885.235 (1g) (intro.) of the statutes is amended to read:

24 885.235 (1g) (intro.) In any action or proceeding in which it is material to prove
25 that a person was under the influence of an intoxicant or had a prohibited alcohol

ENGROSSED SENATE BILL 214**SECTION 29**

1 concentration or a specified alcohol concentration while operating or driving a motor
2 vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating
3 a motorboat, except a sailboat operating under sail alone, while operating a
4 snowmobile, while operating an all-terrain vehicle, while going armed with a
5 concealed weapon, or while handling a firearm, evidence of the amount of alcohol in
6 the person's blood at the time in question, as shown by chemical analysis of a sample
7 of the person's blood or urine or evidence of the amount of alcohol in the person's
8 breath, is admissible on the issue of whether he or she was under the influence of an
9 intoxicant or had a prohibited alcohol concentration or a specified alcohol
10 concentration if the sample was taken within 3 hours after the event to be proved.
11 The chemical analysis shall be given effect as follows without requiring any expert
12 testimony as to its effect:

13 **SECTION 30.** 885.235 (1g) (e) of the statutes is created to read:

14 885.235 **(1g)** (e) In a case brought under s. 175.50 (16) (cm) 1. a. or b., the fact
15 that the analysis shows that the person had an alcohol concentration of more than
16 0.0 but less than 0.08 is relevant evidence on the issue of whether the person was
17 intoxicated or had an alcohol concentration of 0.08 or more but is not to be given any
18 prima facie effect. In a case brought under s. 175.50 (16) (cm) 1. a., the fact that the
19 analysis shows that the person had an alcohol concentration of 0.08 or more is prima
20 facie evidence that he or she had an alcohol concentration of 0.08 or more.

21 **SECTION 31.** 938.396 (8) of the statutes is amended to read:

22 938.396 **(8)** Notwithstanding sub. (2), if a juvenile is adjudged delinquent for
23 an act that would be a felony if committed by an adult, the court clerk shall notify
24 the department of justice of that fact. No other information from the juvenile's court
25 records may be disclosed to the department of justice except by order of the court.

ENGROSSED SENATE BILL 214

1 The department of justice may disclose any information provided under this
2 subsection only as part of a firearms restrictions record search under s. 175.35 (2g)
3 (c) or a background check under s. 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g)
4 (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

5 **SECTION 32.** 938.396 (8m) of the statutes is created to read:

6 938.396 **(8m)** (a) Notwithstanding sub. (2), if a juvenile is adjudged delinquent
7 for an act that would be a misdemeanor crime of violence, as defined in s. 175.50 (1)
8 (e), if committed by an adult, the court clerk shall notify the department of justice
9 of that fact. Except as provided in par. (b), no other information from the juvenile's
10 court records may be disclosed to the department of justice except by order of the
11 court.

12 (b) If an applicant for a license to carry a concealed weapon under s. 175.50 was
13 adjudicated delinquent as a juvenile in a case covered by par. (a), the department of
14 justice may request permission to review court records relating to the case for the
15 purpose of determining whether the applicant meets the requirement under s.
16 175.50 (3) (m). Upon receiving such a request, the court shall open for inspection by
17 authorized representatives of the department of justice the records of the court
18 relating to that case.

19 (c) The department of justice may disclose information provided or obtained
20 under this subsection only as part of a background check under s. 175.50 (9g) (b) or
21 to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

22 **SECTION 33.** 941.20 (1) (a) of the statutes is amended to read:

23 941.20 **(1)** (a) Endangers another's safety by the negligent operation or
24 handling of a dangerous weapon; ~~or~~.

25 **SECTION 34.** 941.20 (1) (b) of the statutes is amended to read:

ENGROSSED SENATE BILL 214**SECTION 34**

1 941.20 (1) (b) Operates ~~or goes armed with~~ a firearm while he or she is under
2 the influence of an intoxicant; ~~or,~~

3 **SECTION 35.** 941.20 (1) (bm) of the statutes is created to read:

4 941.20 (1) (bm) Goes armed with a firearm while he or she is under the
5 influence of an intoxicant. This paragraph does not apply to a licensee, as defined
6 in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g), who goes
7 armed with a concealed handgun, as defined in s. 175.50 (1) (bm), while he or she is
8 under the influence of an intoxicant or while he or she has an alcohol concentration,
9 as defined in s. 340.01 (1v), that exceeds 0.08.

10 **SECTION 36.** 941.23 of the statutes is renumbered 941.23 (1) (intro.) and
11 amended to read:

12 941.23 (1) (intro.) Any person ~~except a peace officer, other than one of the~~
13 following, who goes armed with a concealed and dangerous weapon is guilty of a
14 Class A misdemeanor.;

15 **SECTION 37.** 941.23 (1) (a) of the statutes is created to read:

16 941.23 (1) (a) A peace officer.

17 **SECTION 38.** 941.23 (1) (b) of the statutes is created to read:

18 941.23 (1) (b) An individual holding a valid license under s. 175.50 or
19 authorized under the law of another state to go armed with a concealed weapon in
20 that state, if the dangerous weapon is a weapon, as defined under s. 175.50 (1) (j).

21 **SECTION 39.** 941.23 (1) (c) of the statutes is created to read:

22 941.23 (1) (c) An individual who goes armed with a concealed and dangerous
23 weapon, as defined in s. 175.50 (1) (j), in his or her own dwelling or place of business
24 or on land that he or she owns, leases, or legally occupies, unless he or she is
25 prohibited under federal or state law from possessing that weapon.

ENGROSSED SENATE BILL 214

1 **SECTION 40.** 941.23 (2) of the statutes is created to read:

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

7 **SECTION 41.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and
8 amended to read:

9 941.235 **(2)** (intro.) This section does not apply to peace any of the following:

10 (a) Peace officers or armed forces or military personnel who go armed in the line
11 of duty ~~or to any~~.

12 (b) A person duly authorized by the chief of police of any city, village or town,
13 the chief of the capitol police or the sheriff of any county to possess a firearm in any
14 building under sub. (1).

15 **SECTION 42.** 941.235 (2) (c) of the statutes is created to read:

16 941.235 **(2)** (c) An individual holding a valid license under s. 175.50 or
17 authorized under the law of another state to go armed with a concealed weapon, as
18 defined in s. 175.50 (1) (j), if the firearm is a handgun, as defined in s. 175.50 (1) (bm).

19 **SECTION 43.** 941.237 (3) (ct) of the statutes is created to read:

20 941.237 **(3)** (ct) An individual holding a valid license under s. 175.50 or
21 authorized under the law of another state to go armed with a concealed weapon in
22 that state.

23 **SECTION 44.** 941.295 (2) (d) of the statutes is amended to read:

24 941.295 **(2)** (d) Any manufacturer or seller whose of electric weapons are used
25 ~~in this state solely by persons, unless the manufacturer or seller engages in the~~

ENGROSSED SENATE BILL 214**SECTION 44**

1 conduct described in sub. (1) with the intent to provide an electric weapon to someone
2 other than a person specified in pars. (a) to (c) or sub. (2g) (a) or to a person for use
3 in his or her dwelling or place of business or on land that he or she owns, leases, or
4 legally occupies.

5 **SECTION 45.** 941.295 (2g) of the statutes is created to read:

6 941.295 (2g) The prohibition in sub. (1) on possessing or going armed with an
7 electric weapon does not apply to any of the following:

8 (a) An individual holding a valid license under s. 175.50 or authorized under
9 the law of another state to go armed with a concealed weapon in that state.

10 (b) An individual who goes armed with an electric weapon in his or her own
11 dwelling or place of business or on land that he or she owns, leases, or legally
12 occupies, unless he or she is prohibited under federal or state law from possessing
13 that weapon.

14 **SECTION 46.** 941.295 (2r) of the statutes is created to read:

15 941.295 (2r) The prohibition in sub. (1) on transporting an electric weapon does
16 not apply to any of the following:

17 (a) An individual holding a valid license under s. 175.50 or authorized under
18 the law of another state to go armed with a concealed weapon in that state.

19 (b) An individual who transports an electric weapon from any of the following
20 places to any of the following places:

21 1. His or her dwelling.

22 2. His or her own place of business.

23 3. Land that he or she owns, leases, or legally occupies.

24 **SECTION 47.** 943.13 (1e) (bm) of the statutes is created to read:

ENGROSSED SENATE BILL 214

1 943.13 (1e) (bm) “Licensee” means a licensee, as defined in s. 175.50 (1) (d), or
2 an out-of-state licensee, as defined in s. 175.50 (1) (g).

3 **SECTION 48.** 943.13 (1e) (g) of the statutes is created to read:

4 943.13 (1e) (g) “Weapon” has the meaning given in s. 175.50 (1) (j).

5 **SECTION 49.** 943.13 (1m) (b) of the statutes is amended to read:

6 943.13 (1m) (b) Enters or remains on any land of another after having been
7 notified by the owner or occupant not to enter or remain on the premises. This
8 paragraph does not apply to a licensee if the owner’s or occupant’s intent is to prevent
9 the licensee from going armed with a concealed weapon on the owner’s or occupant’s
10 land.

11 **SECTION 50.** 943.13 (1m) (c) of the statutes is created to read:

12 943.13 (1m) (c) 1. While going armed with a concealed weapon, enters or
13 remains at a residence that the person does not own or occupy after the owner of the
14 residence, if he or she has not leased it to another person, or the occupant of the
15 residence has notified the actor not to enter or remain at the residence while going
16 armed with a concealed weapon or with that type of concealed weapon. In this
17 subdivision, “residence,” with respect to a single-family residence, includes all of the
18 premises, and “residence,” with respect to a residence that is not a single-family
19 residence, does not include any common area of the building in which the residence
20 is located.

21 2. While going armed with a concealed weapon, enters or remains in any part
22 of a nonresidential building that the person does not own or occupy after the owner
23 of the building, if he or she has not leased it to another person, or the occupant of the
24 building has notified the actor not to enter or remain in the building while going
25 armed with a concealed weapon or with that type of concealed weapon. This

ENGROSSED SENATE BILL 214**SECTION 50**

1 subdivision does not apply to a part of a building occupied by the state or one of its
2 political subdivisions or to any part of a building used for parking.

3 **SECTION 51.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
4 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

5 943.13 (2) (am) (intro.) A person has received notice from the owner or occupant
6 within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally,
7 either orally or in writing, or if the land is posted. Land is considered to be posted
8 under this ~~subsection~~ paragraph under either of the following procedures:

9 1. If a sign at least 11 inches square is placed in at least 2 conspicuous places
10 for every 40 acres to be protected. The sign must carry an appropriate notice and the
11 name of the person giving the notice followed by the word “owner” if the person giving
12 the notice is the holder of legal title to the land and by the word “occupant” if the
13 person giving the notice is not the holder of legal title but is a lawful occupant of the
14 land. Proof that appropriate signs as provided in this ~~paragraph~~ subdivision were
15 erected or in existence upon the premises to be protected prior to the event
16 complained of shall be prima facie proof that the premises to be protected were posted
17 as provided in this ~~paragraph~~ subdivision.

18 **SECTION 52.** 943.13 (2) (bm) of the statutes is created to read:

19 943.13 (2) (bm) 1. In this paragraph, “sign” means a sign that states a
20 restriction imposed under subd. 2. that is at least 8.5 inches by 11 inches.

21 2. For the purposes of sub. (1m) (c) 2., an owner or occupant of a part of a
22 nonresidential building has notified an individual not to enter or remain in that part
23 of the nonresidential building while going armed with a concealed weapon or with
24 a particular type of concealed weapon if the owner or occupant has done all of the
25 following:

ENGROSSED SENATE BILL 214

1 a. Posted a sign that is located in a prominent place near the primary entrance
2 to the part of the nonresidential building to which the restriction applies.

3 b. Personally and orally notified the individual of the restriction.

4 **SECTION 53.** 943.13 (3) of the statutes is amended to read:

5 943.13 (3) Whoever erects on the land of another signs which are the same as
6 or similar to those described in sub. (2) (am) without obtaining the express consent
7 of the lawful occupant of or holder of legal title to such land is subject to a Class C
8 forfeiture.

9 **SECTION 54.** 946.32 (3) of the statutes is created to read:

10 946.32 (3) This section does not apply to offenses that may be prosecuted under
11 s. 175.50 (17) (c).

12 **SECTION 55.** 948.605 (2) (c) of the statutes is created to read:

13 948.605 (2) (c) Paragraph (a) does not apply to the possession of a handgun, as
14 defined in s. 175.50 (1) (bm), by an individual holding a valid license under s. 175.50
15 or authorized under the law of another state to go armed with a concealed handgun
16 who is going armed with a concealed handgun as permitted under s. 175.50.

17 **SECTION 56.** 948.61 (3m) of the statutes is created to read:

18 948.61 (3m) This section does not apply to the possession of a weapon, as
19 defined in s. 175.50 (1) (j), other than a handgun, as defined in s. 175.50 (1) (bm), by
20 an individual holding a valid license under s. 175.50 or authorized under the law of
21 another state to go armed with a concealed weapon who is going armed with a
22 concealed weapon as permitted under s. 175.50.

23 **SECTION 57. Nonstatutory provisions.**

24 (1) Using the procedure under section 227.24 of the statutes, the department
25 of justice shall promulgate rules required under sections 165.25 (11) (a) and 175.35

ENGROSSED SENATE BILL 214**SECTION 57**

1 (2g) (c) 3. of the statutes and under section 175.50 (9g) (f) of the statutes, as created
2 by this act, for the period before the effective date of the permanent rules
3 promulgated under those sections, but not to exceed the period authorized under
4 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
5 (2) (b), and (3) of the statutes, the department is not required to provide evidence that
6 promulgating a rule under this subsection as an emergency rule is necessary for the
7 preservation of public peace, health, safety, or welfare and is not required to provide
8 a finding of an emergency for a rule promulgated under this subsection.

9 **SECTION 58. Effective dates.** This act takes effect on the first day of the 5th
10 month beginning after publication, except as follows:

11 (1) The treatment of sections 165.25 (11) (a) and 175.50 (2) (b), (2m), and (5) of
12 the statutes and SECTION 57 (1) of this act take effect on the day after publication.

13 (END)