

2003 DRAFTING REQUEST

Bill

Received: **06/17/2003**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **David Zien (608) 266-7511**

By/Representing: **John**

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

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

Extra Copies: **rlr**

Submit via email: **YES**

Requester's email: **Sen.Zien@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Licenses to carry a concealed weapon

Instructions:

Same as LRB-0128/3

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 06/17/2003	jdye 06/17/2003		_____			S&L Crime
/1			rschluet 06/18/2003	_____	lemery 06/18/2003	lemery 06/18/2003	S&L Crime
/2	mdsida	jdye	jfrantze	_____			S&L

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	07/16/2003	07/17/2003	07/17/2003	_____			Crime
/3	mdsida 07/17/2003	jdye 07/17/2003	jfrantze 07/17/2003	_____	sbasford 07/17/2003	sbasford 07/17/2003	

FE Sent For:

<END>

AA
intro.

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7/17
Self
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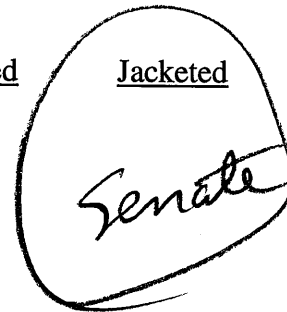
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FE Sent For:

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State of Wisconsin
2003 - 2004 LEGISLATURE

2856/1
LRB-012813
MGD/jld:cph
Stays

2003 BILL

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Regen

1 AN ACT to renumber and amend 29.091, 29.621 (4), 941.23 and 941.235 (2); to
2 amend 23.33 (3) (e), 25.29 (1) (a), 29.089 (2), 165.82 (2) and 440.26 (3m); and
3 to create 20.370 (5) (csr), 20.455 (2) (gp), 29.091 (2), 29.594, 29.621 (4) (b), 59.25
4 (3) (u), 167.31 (4) (ar), 175.50, 941.23 (1) (a), 941.23 (1) (b), 941.23 (2), 941.235
5 (2) (c), 941.237 (3) (ct), 941.295 (2) (bm), 946.32 (3), 948.605 (2) (c) and 948.61
6 (3m) of the statutes; relating to: licenses to carry a concealed weapon,
7 requiring the exercise of rule-making authority, making appropriations, and
8 providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, no person other than a peace officer may carry a concealed and dangerous weapon. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both. In addition, current law prohibits, with certain exceptions, carrying a firearm in a number of places, such as in a public building, tavern, state park, or wildlife refuge, or within 1,000 feet of the grounds of a school. Current law also prohibits, with certain exceptions, carrying a loaded or unencased firearm in an automobile, motorboat, or airplane. A person who violates one of these prohibitions is subject to civil or criminal penalties.

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This bill creates a procedure by which a person may apply to a county sheriff for a license to carry a concealed weapon. The license authorizes a person to carry a concealed weapon (defined under the bill as a handgun, a stungun, a tear gas gun, a knife other than a switchblade, or a billy club) anywhere in this state except in particular places specified under the bill. These specified places include a police station, a sheriff's office, a state patrol station, a prison, a jail, a tavern (unless: 1) the person owns or manages the tavern; 2) the person is otherwise authorized to possess a handgun at the tavern; or 3) the sale of alcohol accounts for no more than 50% of the tavern's receipts), a school administration building, an airport, and any place in which the carrying of a weapon is prohibited by federal law. The bill also exempts licensees from the prohibition on possessing firearms in a school zone under certain circumstances. Specifically, the bill authorizes a licensee to possess a handgun in a school zone if: 1) the licensee is in a motor vehicle or on a snowmobile or bicycle; 2) the licensee has exited from a motor vehicle and is encasing the handgun or storing it in the motor vehicle; or 3) the licensee is traveling directly between any two of the following places: any person's private property, the licensee's place of employment or business, or a place outside of the school zone. This exemption does not apply if the licensee is on the school grounds. At the same time, the bill lowers the penalty for licensees carrying handguns in a school zone or on school grounds or carrying electric weapons, tear gas guns, knives, or billy clubs on school grounds.

Under the bill, a county sheriff must issue a license to carry a concealed weapon to a person who meets the qualifications established in the bill for the license unless the county board of the sheriff's county decides by a two-thirds vote, taken before the fourth month after the bill becomes law, to authorize the sheriff not to issue concealed weapons licenses. The county board's vote does not prohibit the sheriff from issuing licenses; he or she may still choose to do so. The bill also allows two or more sheriffs to enter into cooperative agreements under which the sheriffs may jointly issue licenses to carry a concealed weapon or exercise their other responsibilities under the bill.

The bill specifies the requirements that a person must satisfy in order to qualify for a license to carry a concealed weapon. Included among the requirements that a person must satisfy are the following: 1) he or she must be at least 21 years old; 2) he or she does not have a physical disability that prevents him or her from safely handling a weapon; 3) he or she must be eligible to possess a firearm under federal law; 4) he or she must not be prohibited from possessing a firearm due to a felony conviction, a juvenile delinquency adjudication, an order issued in a civil mental commitment case, or any other order prohibiting the person from possessing a firearm; 5) he or she must not have been committed for the treatment of drug dependency during the preceding three years; 6) he or she must not have been convicted of an offense relating to controlled substances during the preceding three years; 7) he or she must not chronically or habitually use alcohol or other substances to the extent that his or her normal faculties are impaired; 8) he or she must have successfully completed one of several specified firearms training or safety classes; 9) he or she must not have been subject to a finding of incompetency, found not guilty of a crime by reason of mental disease or mental defect, or involuntarily committed

BILL

for treatment of mental illness during the preceding five years; 10) he or she must not have been convicted of one of a set of specified misdemeanors involving violence or serving a sentence for committing such a misdemeanor within the preceding three years; and 11) he or she must be a Wisconsin resident. In addition, the bill requires a sheriff to conduct a background check of a person who applies for a license to carry a concealed weapon to help determine the person's eligibility for a license. The background check requirement does not apply to a person applying for a license if the person is a law enforcement officer, a correctional officer, a probation and parole agent, or a person holding a current certification from the law enforcement standards board.

In addition, the bill does all of the following:

1. Allows a sheriff to issue an emergency license to an individual if the sheriff determines that immediate licensure is warranted to protect the individual from death or great bodily harm.

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

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

4. Requires a sheriff to suspend a license to carry a concealed weapon if the licensee is the subject of a civil or criminal case that may ultimately lead to the revocation of the license or, after being charged with a misdemeanor, is ordered by the court not to possess a firearm.

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

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

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

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

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

10. Requires a person who applies for a license to carry a concealed weapon to pay an application fee, which may not exceed either the cost to the sheriff of issuing the license or \$75, whichever is less.

11. Requires a person who applies for a license to carry a concealed weapon to pay a shooting range improvement fee, which is to be used by the Department of Natural Resources to provide grants for the construction and improvement of shooting ranges.

BILL

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

13. Grants immunity from liability to DOJ and its employees, sheriffs and their employees, and persons providing firearm training or safety classes for conduct undertaken in good faith under the bill.

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

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

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

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

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

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

2 20.370 (5) (csr) *Recreation aids — grants for shooting ranges.* All moneys
3 received from the shooting range improvement fee under s. 175.50 (7) (bp) and (15)
4 (b) 4. c. for the purpose of making grants and administering the grant program under
5 s. 29.594.

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

BILL

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

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

5 23.33 (3) (e) With any firearm in his or her possession unless it is unloaded and
6 enclosed in a carrying case, ~~or.~~ This paragraph does not apply to the possession of
7 a handgun, as defined in s. 175.35 (1) (b), by a person who holds a valid license to
8 carry a concealed weapon issued under s. 175.50 or by an out-of-state licensee, as
9 defined in s. 175.50 (1) (g).

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

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

12 25.29 (1) (a) Except as provided in ss. 25.293 and 25.295, all moneys accruing
13 to the state for or in behalf of the department under chs. 26, 27, 28, 29, 169, and 350,
14 subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325 to 23.42, 23.50 to 23.99, 30.50
15 to 30.55, 70.58, 71.10 (5), 71.30 (10), and 90.21, and 175.50 (7) (bp) and (15) (b) 4. c.,
16 including grants received from the federal government or any of its agencies except
17 as otherwise provided by law.

18 **SECTION 5.** 29.089 (2) of the statutes is amended to read:

19 29.089 (2) Except as provided in sub. (3), no person may have in his or her
20 possession or under his or her control a firearm on land located in state parks or state
21 fish hatcheries unless the firearm is unloaded and enclosed within a carrying case.
22 This subsection does not apply to the possession of a handgun, as defined in s. 175.35
23 (1) (b), by a person who holds a valid license to carry a concealed weapon issued under
24 s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

BILL

1 **SECTION 6.** 29.091 of the statutes is renumbered 29.091 (1) and amended to
2 read:

3 29.091 (1) No person may hunt or trap within any wildlife refuge established
4 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession
5 or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,
6 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
7 within a carrying case. The taking of predatory game birds and animals shall be done
8 as the department directs. All state wildlife refuge boundary lines shall be marked
9 by posts placed at intervals of not over 500 feet and bearing signs with the words
10 “Wisconsin Wildlife Refuge”.

11 **SECTION 7.** 29.091 (2) of the statutes is created to read:

12 29.091 (2) The prohibition of the possession or control of a loaded or unencased
13 gun or firearm in sub. (1) does not apply to the possession of a handgun, as defined
14 in s. 175.345 (1) (b), by a person who holds a valid license to carry a concealed weapon
15 issued under s. 175.50 or by an out-of-state licensee, as defined in s. 175.50 (1) (g).

16 **SECTION 8.** 29.594 of the statutes is created to read:

17 **29.594 Grants for shooting ranges.** (1) The department shall award grants
18 to persons for construction or improvement of shooting ranges. A grant awarded
19 under this section shall be paid from the appropriation account under s. 20.370 (5)
20 (csr).

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

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

BILL

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

2 (3) In order to receive a grant under this section, 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 s. 175.50 (3) (h) for a license to carry a concealed weapon.

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

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

12 **SECTION 9.** 29.621 (4) of the statutes is renumbered 29.621 (4) (a) and amended
13 to read:

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

21 **SECTION 10.** 29.621 (4) (b) of the statutes is created to read:

22 29.621 (4) (b) The prohibition of the possession or control of a loaded or
23 unencased gun or firearm in par. (a) does not apply to the possession of a handgun,
24 as defined in s. 175.35 (1) (b), by a person who holds a valid license to carry a

BILL

1 concealed weapon issued under s. 175.50 or an out-of-state licensee, as defined in
2 s. 175.50 (1) (g).

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

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

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

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

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

17 **SECTION 12.** 165.82 (2) of the statutes is amended to read:

18 165.82 (2) Except as provided in s. ss. 175.35 and 175.50, the department of
19 justice shall not impose fees for criminal history searches for purposes related to
20 criminal justice.

21 **SECTION 13.** 167.31 (4) (ar) of the statutes is created to read:

22 167.31 (4) (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply
23 to the placement, possession, transportation, or loading of a handgun, as defined in
24 s. 175.35 (1) (b), by a person who holds a valid license to carry a concealed weapon
25 issued under s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

BILL

1 **SECTION 14.** 175.50 of the statutes is created to read:

2 **175.50 License to a carry concealed weapon. (1) DEFINITIONS.** In this
3 section:

4 (a) “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 (b) “Firearms restrictions record search” has the meaning given in s. 175.35 (1)
16 (at).

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

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

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

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

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

BILL

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

4 (g) “Out-of-state licensee” means an individual who has been issued an
5 out-of-state authorization and who is not prohibited from possessing a firearm
6 under s. 941.29 or from possessing a firearm that has been transported in interstate
7 or foreign commerce under federal law.

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

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

11 (j) “Weapon” means a handgun, as defined in s. 175.35 (1) (b), an electric
12 weapon, as defined in s. 941.295 (4), a tear gas gun, a knife other than a switchblade
13 knife under s. 941.24, or a billy club. “Weapon” does not include a machine gun, as
14 defined in s. 941.27 (1), a short-barreled rifle, as defined in s. 941.28 (1) (b), or a
15 short-barreled shotgun, as defined in s. 941.28 (1) (c).

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

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

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

BILL

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

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

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

11 1. The agreement shall be in writing.

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

14 2m. The agreement shall specify how the powers and duties that are the subject
15 of the agreement are to be allocated among the sheriffs that are parties to the
16 agreement.

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

20 4. The agreement shall designate one county to be identified as the county of
21 issuance.

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

BILL

1 **(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE OR**
2 AUTHORIZATION. (a) A licensee or an out-of-state licensee may carry a concealed
3 weapon anywhere in this state except as provided under sub. (16) or s. 941.20 (1) (b).

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

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

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

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

- 20 1. The full name, date of birth, and residence address of the licensee.
- 21 2. A color photograph of the licensee.
- 22 3. A physical description of the licensee, including gender, height, weight, and
23 hair and eye color.
- 24 4. The date on which the license was issued.
- 25 5. The date on which the license expires.

BILL

1 6. The name of this state.

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

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

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

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

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

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

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

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

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

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

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

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

BILL

1 is presumed chronically and habitually to use alcohol beverages or other substances
2 to the extent that his or her normal faculties are impaired if, within the preceding
3 3 years, any of the following applies:

4 1. The individual has been committed for involuntary treatment under s. 51.45
5 (13).

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

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

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

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

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

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

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

BILL

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

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

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

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

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

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

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

BILL

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

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

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

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

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

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

19 (s) The individual is a Wisconsin resident.

20 (5) APPLICATION AND RENEWAL FORMS. The department shall design an
21 application form for use by individuals who apply for a license under this section and
22 a renewal form for use by individuals applying for renewal of a license under sub.
23 (15). The department shall complete the design of the application form no later than
24 the first day of the 4th month beginning after the effective date of this subsection
25 [revisor inserts date], and shall complete the design of the renewal form no later than

BILL

1 the first day of the 54th month beginning after the effective date of this subsection
2 [revisor inserts date]. The department shall distribute the designs for both forms
3 to any sheriff who issues licenses under sub. (2) (a) or (c) for use in making the
4 application forms and the license renewal forms described in this section. The forms
5 designed by the department under this subsection shall require the applicant to
6 provide his or her name, address, date of birth, race, gender, height, weight, and hair
7 and eye color and shall include all of the following:

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

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

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

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

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

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

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

BILL

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

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

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

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

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

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

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

13 (9) PROCESSING OF APPLICATION. (a) Upon receiving an application submitted
14 under sub. (7), a sheriff shall request the department to conduct a firearms
15 restrictions record search, as provided under sub. (9g).

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

18 1. Issue the license.

19 2. Deny the application if the applicant fails to qualify under the criteria
20 specified in sub. (3). If the sheriff denies the application, he or she shall inform the
21 applicant in writing, stating the reason for the denial.

22 (c) Except as provided in sub. (9r), a sheriff may not issue a license until 7 days,
23 subject to extension under sub. (9g) (b) 3. c., have elapsed from the time that the
24 sheriff has received a confirmation number regarding the firearms restrictions
25 record search under sub. (9g) (b) 1. from the department, unless the department has

BILL

1 notified the sheriff that the background check does not indicate that the applicant
2 is disqualified for a license under sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o),
3 or (r).

4 **(9g) FIREARMS RESTRICTIONS RECORD SEARCHES.** (a) A sheriff shall request the
5 department to conduct a firearms restrictions record search by calling the
6 department, using a toll-free telephone number provided by the department, and
7 providing the department with the name, date of birth, gender, and race of the
8 applicant.

9 (b) Upon receiving a request under par. (a), the department shall conduct a
10 firearms restrictions record search using the following procedure:

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

13 2. The department shall conduct the firearms restrictions record search
14 regarding an applicant for a license under this section. In conducting a search under
15 this subdivision, the department shall use the transaction information for
16 management of enforcement system and the national crime information center
17 system.

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

21 a. If the search indicates that the applicant does not qualify for a license under
22 sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r), the department shall provide
23 the sheriff with a unique nonapproval number. The department shall disclose to the
24 sheriff the reason the applicant does not qualify for a license under sub. (3) (c), (d),
25 (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r).

BILL

1 b. If the search does not indicate that the applicant is disqualified for a license
2 under sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r), the department shall
3 provide the sheriff with a unique approval number.

4 c. If the search indicates that the applicant was the subject of a criminal charge
5 for which there is no recorded disposition and the 7-day time period described in sub.
6 (9) (c) has not yet run, that time period is extended by 72 hours. The department shall
7 notify the sheriff of the extension as soon as practicable. During the extended period,
8 the department shall make all reasonable efforts to determine the disposition of
9 charge for which there is initially no recorded disposition and shall notify the sheriff
10 of the results of its efforts as soon as practicable.

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

14 (c) The department shall charge a sheriff a fee of \$8 for each firearms
15 restrictions record search that the sheriff requests under par. (a), except that the
16 department shall waive the fee if, when requesting the search, the sheriff informs
17 the department that the fee is being waived under sub. (9r) (c). The sheriff shall
18 collect the fee from the applicant unless the fee is waived under sub. (9r) (c).

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

24 (e) 1. The department shall check each duplicate application form received
25 under par. (d) against the information recorded by the department regarding the

BILL

1 corresponding request for a firearms restrictions record search under this
2 subsection. If the department previously provided a unique approval number
3 regarding the request and nothing in the duplicate completed application form
4 indicates that the applicant is not qualified for a license under sub. (3) (c), (d), (f), (g)
5 2. or 3., (k), (L), (m), (n), (o), or (r), the department shall, except as provided in subd.
6 2., destroy all records regarding that firearms restrictions record search within 30
7 days after receiving the duplicate form. If the department previously provided a
8 unique approval number regarding the request and the duplicate completed
9 application form indicates that the applicant is not qualified for a license under sub.
10 (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r), the department shall immediately
11 notify the sheriff who issued the license, and the sheriff shall revoke the license.

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

17 **(9r) EMERGENCY LICENSE.** (a) Unless the sheriff knows that the person is not
18 qualified for a license under sub. (3) (a) to (g) or (i) to (s), a sheriff may issue a license
19 under this section to an individual who does not satisfy the requirements under sub.
20 (3) (h) without regard for the waiting period under sub. (9) (c) if the sheriff determines
21 that immediate licensure is warranted to protect the individual from death or great
22 bodily harm, as defined in s. 939.22 (14). A sheriff who issues a license under this
23 paragraph shall notify the department and request an immediate firearms
24 restrictions record search under sub. (9g).

BILL

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

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

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

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

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

17 (a) A law enforcement officer.

18 (b) A correctional officer.

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

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

22 **(11) LICENSEE INFORMATION.** (a) A sheriff who issues licenses to carry a
23 concealed weapon under this section shall, within 5 days after issuing a license,
24 notify the department that he or she has issued a license under this section and

BILL

1 provide the department with the information specified in sub. (2m) (b) concerning the
2 individual to whom the license was issued.

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

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

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

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

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

23 (d) 1. In this paragraph, "clerk" means the clerk of the circuit court or, if it has
24 enacted a law or an ordinance in conformity with s. 346.63, the clerk of the court for

BILL

1 a federally recognized American Indian tribe or band in this state, a city, a village,
2 or a town.

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

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

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

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

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

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

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

19 g. The individual is involuntarily committed for treatment under s. 51.20 or
20 51.45.

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

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

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

BILL

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

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

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

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

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

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

BILL

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

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

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

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

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

16 **(14m) APPEALS.** (a) A person aggrieved by any action by a sheriff denying an
17 application for a license or suspending or revoking a license under this section may
18 appeal directly to the circuit court of the sheriff's county or, if applicable, to the circuit
19 court of the county of issuance designated under sub. (2) (c).

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

BILL

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

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

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

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

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

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

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

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

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

BILL

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

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

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

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

15 4. Pays all of the following:

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

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

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

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

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

BILL

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

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

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

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

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

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

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

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

22 6. A school administration building.

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

BILL

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

3 b. If the licensee or the out-of-state licensee is carrying a handgun, his or her
4 possession of the handgun is described in s. 941.237 (3) (e) to (j).

5 c. The sale of intoxicating liquors or fermented malt beverages or both on those
6 premises accounts for not more than 50% of the proprietor's receipts from those
7 premises.

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

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

11 (b) Neither a licensee nor an out-of-state licensee may carry a handgun, as
12 defined in s. 175.35 (1) (b), in a school zone, as defined in s. 948.605 (1) (c), unless he
13 or she is not in or on the grounds of a school, as defined in s. 948.61 (1) (b), and one
14 of the following applies:

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

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

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

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

BILL

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

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

5 (c) Neither a licensee nor an out-of-state licensee may carry a weapon other
6 than a handgun, as defined in s. 175.35 (1) (b), on school premises, as defined in s.
7 948.61 (1) (c), unless he or she is a person described in s. 948.61 (3).

8 **(17) PENALTIES.** (a) A licensee or an out-of-state licensee who violates sub. (2g)
9 (b) or (c) or (16) (b) may be required to forfeit not more than \$25.

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

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

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

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

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

BILL

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

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

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

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

BILL

1 (21) IMMUNITY. (a) The department and its employees and sheriffs and their
2 employees are immune from liability arising from any act or omission under this
3 section, if done in good faith.

4 (b) A person providing a firearm safety or firearm training course or class in
5 good faith to a licensee is immune from liability arising from any act or omission
6 related to the course or class.

7 **SECTION 15.** 440.26 (3m) of the statutes is amended to read:

8 **440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS.** The department shall
9 promulgate rules relating to the carrying of dangerous weapons by a person who
10 holds a license or permit issued under this section or who is employed by a person
11 licensed under this section. The rules shall allow the person to carry a concealed
12 weapon as permitted under s. 175.50 if the person is licensed under that section and
13 shall meet the minimum requirements specified in 15 USC 5902 (b).

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

16 941.23 (1) (intro.) Any person ~~except a peace officer, other than one of the~~
17 following, who goes armed with a concealed and dangerous weapon is guilty of a
18 Class A misdemeanor:

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

20 941.23 (1) (a) A peace officer.

21 **SECTION 18.** 941.23 (1) (b) of the statutes is created to read:

22 941.23 (1) (b) An individual holding a valid license under s. 175.50 or
23 authorized under the law of another state to carry a concealed weapon in that state,
24 if the dangerous weapon is a weapon, as defined under s. 175.50 (1) (j).

25 **SECTION 19.** 941.23 (2) of the statutes is created to read:

BILL

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

6 **SECTION 20.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and
7 amended to read:

8 941.235 (2) (intro.) This section does not apply to ~~peace~~ any of the following:

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

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

14 **SECTION 21.** 941.235 (2) (c) of the statutes is created to read:

15 941.235 (2) (c) Any individual holding a valid license under s. 175.50 or
16 authorized under the law of another state to carry a concealed weapon as defined in
17 s. 175.50 (1) (j), if the firearm is a handgun, as defined in s. 175.35 (1) (b).

18 **SECTION 22.** 941.237 (3) (ct) of the statutes is created to read:

19 941.237 (3) (ct) An individual holding a valid license under s. 175.50 or
20 authorized under the law of another state to carry a concealed weapon in that state.

21 **SECTION 23.** 941.295 (2) (bm) of the statutes is created to read:

22 941.295 (2) (bm) Any individual holding a valid license under s. 175.50 or
23 authorized under the law of another state to carry a concealed weapon in that state.

24 **SECTION 24.** 946.32 (3) of the statutes is created to read:

BILL

1 946.32 (3) This section does not apply to offenses that may be prosecuted under
2 s. 175.50 (17) (c).

3 **SECTION 25.** 948.605 (2) (c) of the statutes is created to read:

4 948.605 (2) (c) Paragraph (a) does not apply to the possession of a handgun, as
5 defined in s. 175.35 (1) (b), by an individual holding a valid license under s. 175.50
6 or authorized under the law of another state to carry a concealed handgun who is
7 carrying a concealed handgun as permitted under s. 175.50.

8 **SECTION 26.** 948.61 (3m) of the statutes is created to read:

9 948.61 (3m) This section does not apply to the possession of a weapon, as
10 defined in s. 175.50 (1) (j), other than a handgun by an individual holding a valid
11 license under s. 175.50 or authorized under the law of another state to carry a
12 concealed weapon who is carrying a concealed weapon as permitted under s. 175.50.

13

(END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2856/1 (2)
MGD:jld:rs

2003 BILL

THURS
9 30

make
identical
to LRB-
0128/4
↑

1 AN ACT to renumber and amend 29.091, 29.621 (4), 941.23 and 941.235 (2); to
2 amend 23.33 (3) (e), 25.29 (1) (a), 29.089 (2), 165.82 (2) and 440.26 (3m); and
3 to create 20.370 (5) (csr), 20.455 (2) (gp), 29.091 (2), 29.594, 29.621 (4) (b), 59.25
4 (3) (u), 167.31 (4) (ar), 175.50, 941.23 (1) (a), 941.23 (1) (b), 941.23 (2), 941.235
5 (2) (c), 941.237 (3) (ct), 941.295 (2) (bm), 946.32 (3), 948.605 (2) (c) and 948.61
6 (3m) of the statutes; relating to: licenses to carry a concealed weapon,
7 requiring the exercise of rule-making authority, making appropriations, and
8 providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, no person other than a peace officer may carry a concealed and dangerous weapon. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both. In addition, current law prohibits, with certain exceptions, carrying a firearm in a number of places, such as in a public building, tavern, state park, or wildlife refuge, or within 1,000 feet of the grounds of a school. Current law also prohibits, with certain exceptions, carrying a loaded or unencased firearm in an automobile, motorboat, or airplane. A person who violates one of these prohibitions is subject to civil or criminal penalties.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2856/00 3
MGD:jld:jf

2003 SENATE BILL

9:30 AM

Make identical to LRB-0128/5

Regen

1 AN ACT *to renumber and amend* 29.091, 29.621 (4), 941.23 and 941.235 (2); *to*
2 *amend* 23.33 (3) (e), 25.29 (1) (a), 29.089 (2), 165.82 (2) and 440.26 (3m); and
3 *to create* 20.370 (5) (csr), 20.455 (2) (gp), 29.091 (2), 29.594, 29.621 (4) (b), 59.25
4 (3) (u), 167.31 (4) (ar), 175.50, 941.23 (1) (a), 941.23 (1) (b), 941.23 (2), 941.235
5 (2) (c), 941.235 (2) (d), 941.237 (3) (ct), 941.295 (2) (f), 941.295 (2) (g), 946.32 (3),
6 948.605 (2) (c) and 948.61 (3m) of the statutes; **relating to:** carrying or going
7 armed with a concealed weapon, requiring the exercise of rule-making
8 authority, making appropriations, and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, no person other than a peace officer may go armed with a concealed and dangerous weapon. The “going armed with” language applies to, among others, cases in which the person has not gone and is not going anywhere with a concealed weapon and cases in which the weapon is readily accessible to — but not physically carried by — a person in a car. A person who violates the prohibition on going armed with a concealed and dangerous weapon may be fined not more than \$10,000 or imprisoned for not more than nine months or both. But under *State v. Hamdan*, 2003 WI 113, __ Wis. 2d __, it is unconstitutional to apply this prohibition to a person carrying a concealed weapon at his or her own business when: 1) the need