

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 214**

October 15, 2003 – Offered by COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY.

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), 29.089 (2), 51.20 (13) (cv) 4., 51.20 (16) (gm), 51.30 (3) (a),
3 165.82 (1) (intro.), 165.82 (2), 440.26 (3m), 813.12 (6) (am) 1., 813.12 (6) (am) 2.,
4 813.122 (9) (am) 1., 813.122 (9) (am) 2., 813.125 (5r) (a), 813.125 (5r) (b), 938.396
5 (8) and 941.295 (2) (d); and *to create* 29.091 (2), 29.621 (4) (b), 55.06 (17) (bm),
6 59.25 (3) (u), 167.31 (4) (ar), 175.50, 938.396 (8m), 941.23 (1) (a), 941.23 (1) (b),
7 941.23 (1) (c), 941.23 (2), 941.235 (2) (c), 941.237 (3) (ct), 941.295 (2g), 941.295
8 (2r), 946.32 (3), 948.605 (2) (c) and 948.61 (3m) of the statutes; **relating to:**
9 carrying or going armed with a concealed weapon, requiring the exercise of
10 rule-making authority, 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 a person is carrying a concealed weapon but has not

gone and is not going anywhere and cases in which a 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 to exercise this right is substantial; 2) the person has no other reasonable means to keep and handle the weapon; and 3) the person was not motivated by an unlawful purpose in concealing it.

In addition, current law prohibits, with certain exceptions, going armed with or possessing 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.

This substitute amendment permits a person to go armed with a concealed and dangerous weapon in his or her own home or place of business or on land that he or she owns, leases, or legally occupies, unless the person is prohibited under federal or state law from possessing that weapon (prohibitions that apply to firearms if the person has been convicted of a misdemeanor crime of domestic violence or a felony; the person unlawfully uses a controlled substance; the person has been committed to a mental health facility; or the person is subject to a stalking, harassment, or domestic abuse restraining order or a harassment, domestic abuse, or child abuse injunction).

This substitute amendment also creates a procedure by which a person may apply to a county sheriff for a license to carry a concealed weapon more generally. The license authorizes a person to carry (defined in the bill to mean to go armed with) a concealed weapon (defined in the substitute amendment 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 in the substitute amendment. 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 substitute amendment also exempts licensees from the prohibition on possessing firearms in a school zone under certain circumstances. Specifically, the substitute amendment authorizes a licensee to carry 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 substitute amendment reduces the penalty for licensees who unlawfully carry handguns in a school zone or

on school grounds or who carry electric weapons, tear gas guns, knives, or billy clubs on school grounds.

Under the substitute amendment, a county sheriff must issue a license to carry a concealed weapon to a person who meets the qualifications established in the substitute amendment 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 substitute amendment 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 substitute amendment 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 substitute amendment.

The substitute amendment 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 commitment case, or any other order prohibiting the person from possessing a firearm; 5) he or she must not have been committed for the treatment of drug dependency during the preceding three years; 6) he or she must not have been convicted of an offense relating to controlled substances during the preceding three years; 7) he or she must not chronically or habitually use alcohol or other substances to the extent that his or her normal faculties are impaired; 8) he or she must have successfully completed one of several specified firearms training or safety courses or classes; 9) he or she must not have been subject to a finding of incompetency, subject of a protective placement as a minor based on a developmental disability, found not guilty of a crime by reason of mental disease or mental defect, or involuntarily committed for treatment of mental illness during the preceding five years; 10) he or she must not have been convicted of one of a set of specified misdemeanors involving violence or serving a sentence for committing such a misdemeanor within the preceding three years; and 11) he or she must be a Wisconsin resident. In addition, the substitute amendment requires the Department of Justice (DOJ) 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 substitute amendment 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 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 DOJ of court proceedings relating to licensees and nonlicensees (including juvenile delinquency mental health commitment proceedings that are closed to the public) if those proceedings require suspension or revocation of the person's license if he or she is a licensee.

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 the sheriff to collect an \$8 background check fee from a person who applies for a license to carry a concealed weapon unless, in the case of a person applying for an emergency license, the sheriff waives the fee. The sheriff must forward all background check fees that he or she receives to the state treasurer.

12. Requires a person who applies for a license to carry a concealed weapon to pay a \$15 shooting range improvement fee, which is to be used by the sheriff to provide grants for the construction and improvement of shooting ranges.

13. Requires a person who applies for a license to carry a concealed weapon to pay a \$15 law enforcement excellence fund fee, which is to be used by the sheriff to improve law enforcement services in his or her county.

14. 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 substitute amendment.

15. Treats a license or permit issued by another state in the same manner as a license issued under this substitute amendment.

The substitute amendment 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 or who fails to display it upon the request of a law enforcement officer while the person is 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.

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

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

2 23.33 (3) (e) With any firearm in his or her possession unless it is unloaded and
3 enclosed in a carrying case, ~~or. This paragraph does not apply to the possession of~~
4 a handgun, as defined in s. 175.50 (1) (bm), by a person who holds a valid license to
5 carry a concealed weapon issued under s. 175.50 or by an out-of-state licensee, as
6 defined in s. 175.50 (1) (g).

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

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

9 29.089 (2) Except as provided in sub. (3), no person may have in his or her
10 possession or under his or her control a firearm on land located in state parks or state
11 fish hatcheries unless the firearm is unloaded and enclosed within a carrying case.
12 This subsection does not apply if the firearm is a handgun, as defined in s. 175.50 (1)
13 (bm), and the person holds a valid license to carry a concealed weapon issued under
14 s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

1 **SECTION 3.** 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 4.** 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. 175.50 (1) (bm), 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 5.** 29.621 (4) of the statutes is renumbered 29.621 (4) (a) and amended
17 to read:

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

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

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

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

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

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

19 51.20 (16) (gm) Upon a request under par. (a), a court may cancel the
20 prohibition under sub. (13) (cv) 1. if the court determines, based on evidence
21 presented on the issue of the subject individual's dangerousness, that there no longer
22 is a substantial probability that the individual may use a firearm to cause physical
23 harm to himself or herself or endanger public safety. If a court cancels a prohibition
24 under sub. (13) (cv) 1. under this paragraph, the court clerk shall notify the
25 department of justice of that fact and provide any information identifying the subject

1 individual that is necessary to permit an accurate involuntary commitment record
2 search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b). No
3 other information from the subject individual's court records may be disclosed to the
4 department of justice except by order of the court.

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

6 51.30 **(3)** (a) Except as provided in pars. (b) and (c) and s. 175.50 (11) (d) 2. g.
7 and 3., the files and records of the court proceedings under this chapter shall be
8 closed but shall be accessible to any individual who is the subject of a petition filed
9 under this chapter.

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

11 55.06 **(17)** (bm) Paragraph (a) does not apply to a clerk, as defined in s. 175.50
12 (11) (d) 1., providing notice to the department of justice under s. 175.50 (11) (d) 2. h.
13 of a finding of incompetency under ch. 880 or to the department of justice informing
14 a sheriff under s. 175.50 (11) (d) 3. of such a finding made with respect to a licensee.

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

16 59.25 **(3)** (u) 1. Subject to the terms of an agreement under s. 175.50 (2) (c),
17 deposit all moneys received under s. 175.50 (7) (bd) and (bp), (13), and (15) (b) 4. a.
18 and c. and (d) 1. in the general fund of the county.

19 2. Forward all moneys received under s. 175.50 (7) (bh) and (15) (b) 4. b. to the
20 state treasurer for deposit in the general fund.

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

1 **SECTION 12.** 165.82 (1) (intro.) of the statutes, as affected by 2003 Wisconsin
2 Act 33, is amended to read:

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

6 **SECTION 13.** 165.82 (2) of the statutes is amended to read:

7 165.82 (2) Except as provided in s. ss. 175.35 and 175.50, the department of
8 justice shall not impose fees for criminal history searches for purposes related to
9 criminal justice.

10 **SECTION 14.** 167.31 (4) (ar) of the statutes is created to read:

11 167.31 (4) (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply
12 to the placement, possession, transportation, or loading of a handgun, as defined in
13 s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon
14 issued under s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

15 **SECTION 15.** 175.50 of the statutes is created to read:

16 **175.50 License to carry a concealed weapon. (1) DEFINITIONS.** In this
17 section:

18 (ac) “Background check” means a search of department records, along with any
19 follow-up undertaken by the department under sub. (9g) (b) 3. c., to determine
20 whether a person is ineligible under sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n),
21 (o), or (r) for a license to carry a concealed weapon.

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

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

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

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

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

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

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

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

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

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

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

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

22 (eg) "Misdemeanor delinquency adjudication" means a finding that a juvenile
23 is delinquent for an act that would be a misdemeanor if committed by an adult.

1 (f) “Out-of-state authorization” means a valid permit document or a valid
2 license document issued by another state documenting that a person is authorized
3 under the law of that state 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, an electric weapon, as defined in s. 941.295 (4),
12 a tear gas gun, a knife other than a switchblade knife under s. 941.24, or a billy club.

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

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

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

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

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

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

8 1. The agreement shall be in writing.

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

11 2m. The agreement shall specify how the powers and duties that are the subject
12 of the agreement are to be allocated among the sheriffs that are parties to the
13 agreement.

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

17 4. The agreement shall designate one county to be identified as the county of
18 issuance.

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

23 **(2g)** CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE DOCUMENT
24 OR AUTHORIZATION. (a) A licensee or an out-of-state licensee may carry a concealed
25 weapon anywhere in this state except as provided under sub. (16) or s. 941.20 (1) (b).

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

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

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

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

- 17 1. The full name, date of birth, and residence address of the licensee.
- 18 2. A color photograph of the licensee.
- 19 3. A physical description of the licensee, including gender, height, weight, and
20 hair and eye color.
- 21 4. The date on which the license was issued.
- 22 5. The date on which the license expires.
- 23 6. The name of this state.
- 24 7. The name of the county that issues the license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 3. In 2 or more cases arising out of separate incidents, a court has found the
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.

11 3. Successfully completed a firearm training or firearm safety course or class
12 conducted by an instructor certified by the state in which the course or class was
13 conducted, by the National Rifle Association, or by another national or state
14 organization that certifies firearms instructors.

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, by
19 another national or state organization that certifies firearms instructors, or by the
20 department or if the curriculum meets the minimum requirements of the law
21 enforcement standards board.

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

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

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

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

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

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

24 (L) The individual has not been found not guilty by reason of mental disease
25 or defect under s. 971.17 or, if the individual has been found not guilty by reason of

1 mental disease or defect under s. 971.17, he or she presents evidence from a
2 psychiatrist licensed in this state that he or she has not been disabled due to mental
3 illness or a developmental disability for at least 5 years.

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

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

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

14 (p) The individual has not previously submitted an application for a license
15 under this section to any county and had the application denied, unless each reason
16 for the denial is no longer applicable because of changed circumstances or, if the
17 denial was based on a restriction under sub. (3) that applies for a specified period of
18 time, because that time period has run.

19 (q) The individual has not had a license that was issued under this section
20 revoked, unless each reason for the revocation is no longer applicable because of
21 changed circumstances or, if the revocation was based on a restriction under sub. (3)
22 that applies for a specified period of time, because that time period has run.

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

24 (s) The individual is a Wisconsin resident.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 2. Deny the application, but only if the applicant fails to qualify under the
4 criteria specified in sub. (3). If the sheriff denies the application, he or she shall
5 inform the applicant in writing, stating the reason and factual basis for the denial
6 to the extent permitted under federal law.

7 (c) Except as provided in sub. (9r), a sheriff may not issue a license until 7 days,
8 subject to extension under sub. (9g) (b) 3. c., have elapsed from the time that the
9 sheriff has received a confirmation number regarding the background check under
10 sub. (9g) (b) 1. from the department, unless the department has notified the sheriff
11 that the background check does not indicate that the applicant is disqualified for a
12 license under sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r).

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

17 (b) Upon receiving a request under par. (a), the department shall conduct a
18 background check using the following procedure:

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

21 2. The department shall conduct the background check regarding an applicant
22 for a license under this section. In conducting a background check under this
23 subdivision, the department shall use the transaction information for management
24 of enforcement system and the national crime information center system.

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

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

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

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

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

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

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

11 (e) 1. The department shall check each duplicate application form received
12 under par. (d) against the information recorded by the department regarding the
13 corresponding request for a background check under this subsection. If the
14 department previously provided a unique approval number regarding the request
15 and nothing in the duplicate completed application form indicates that the applicant
16 is not qualified for a license under sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o),
17 or (r), the department shall, except as provided in subd. 2., destroy all records
18 regarding that background check within 30 days after receiving the duplicate form.
19 If the department previously provided a unique approval number regarding the
20 request and the duplicate completed application form indicates that the applicant is
21 not qualified for a license under sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o),
22 or (r), the department shall immediately notify the sheriff who issued the license, and
23 the sheriff shall revoke the license.

24 2. The department may maintain records necessary to administer this
25 subsection and, for a period of not more than 3 years after the department issues a

1 unique approval number, a log of dates of requests for background checks under this
2 subsection together with confirmation numbers and unique approval and
3 nonapproval numbers corresponding to those dates.

4 **(9r)** EMERGENCY LICENSE. (a) Unless the sheriff knows that the person is not
5 qualified for a license under sub. (3) (a) to (g) or (i) to (s), a sheriff may issue a license
6 under this section to an individual who does not satisfy the requirements under sub.
7 (3) (h) without regard for the waiting period under sub. (9) (c) if the sheriff determines
8 that immediate licensure is warranted to protect the individual from death or great
9 bodily harm, as defined in s. 939.22 (14). A sheriff who issues a license under this
10 paragraph shall notify the department and request an immediate background check
11 under sub. (9g).

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

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

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

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

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

4 (a) A law enforcement officer.

5 (b) A correctional officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 g. The individual is involuntarily committed for treatment under s. 51.20 or
7 51.45.

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

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

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

13 3. Upon receiving a notice under subd. 2., the department shall immediately
14 determine if the individual who is the subject of the notice is a licensee, using the list
15 maintained under par. (am). If the department determines that the individual is a
16 licensee, the department shall immediately inform the sheriff of the county that
17 issued the license of the individual's name and the basis for the notice under subd.
18 2.

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

23 (b) No later than 30 days after changing his or her address, a licensee shall
24 inform the sheriff of the county that issued the license of his or her new address. The

1 sheriff shall provide the individual's new address to the department for inclusion in
2 the list under sub. (11) (am).

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

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

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

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

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

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

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

23 2. A sheriff who suspends or revokes a license issued under this section shall
24 send the individual whose license has been suspended or revoked notice of the
25 suspension or revocation by certified mail within one day after the suspension or

1 revocation. Within 7 days after receiving the notice, the individual whose license has
2 been suspended or revoked shall deliver the license document personally or by
3 certified mail to the sheriff.

4 **(14m) APPEALS.** (a) A person aggrieved by any action by a sheriff denying an
5 application for a license or suspending or revoking a license under this section may
6 appeal directly to the circuit court of the sheriff's county or, if applicable, to the circuit
7 court of the county of issuance designated under sub. (2) (c).

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

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

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

23 (e) The court shall review the petition, the answer, and any records or
24 documents submitted with the petition or the answer. The review under this
25 paragraph shall be conducted by the court without a jury and shall be confined to the

1 petition, the answer, and any records or documents submitted with the petition or
2 the answer, except that in cases of alleged irregularities in procedure by the sheriff
3 the court may take testimony that the court determines is appropriate.

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

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

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

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

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

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

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

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

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

4 4. Pays all of the following:

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

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

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

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

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

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

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

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

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

23 2. A police station, sheriff's office, or state patrol station. This subdivision does
24 not prohibit a peace officer who is acting within the scope of his or her employment

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

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

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

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

11 6. A school administration building.

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

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

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

18 c. The sale of intoxicating liquors or fermented malt beverages or both on those
19 premises accounts for not more than 50% of the proprietor’s receipts from those
20 premises.

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

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

24 (b) Neither a licensee nor an out-of-state licensee may knowingly carry a
25 handgun in a school zone, as defined in s. 948.605 (1) (c), unless he or she is not in

1 or on the grounds of a school, as defined in s. 948.61 (1) (b), and one of the following
2 applies:

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

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

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

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

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

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

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

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

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

22 (b) Any person who violates sub. (16) may be fined not more than \$1,000 or
23 imprisoned for not more than 90 days or both.

24 (c) Any person who intentionally falsely swears under sub. (6) or (15) (b) 2. or
25 who intentionally makes a false statement to a sheriff in requesting or in connection

1 with the issuance of an emergency license under sub. (9r) shall be fined not less than
2 \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

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

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

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

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

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

1 discovered. For the licenses suspended or revoked, the report shall indicate the
2 reasons for the suspensions and revocations.

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

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

12 **(20m)** GRANTS FOR SHOOTING RANGES. (a) Using the fees collected under sub.
13 (7) (bp) and (15) (b) 4. c., a sheriff issuing licenses under this section shall award
14 grants to persons for construction or improvement of shooting ranges.

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

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

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

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

1 (d) In determining whether to make a grant under this subsection to a
2 particular applicant, the sheriff shall consider the potential of the project to meet the
3 needs of firearm safety courses or classes in the area served by the shooting range
4 relative to the proposed cost of the construction or improvement.

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

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

11 **SECTION 16.** 440.26 (3m) of the statutes is amended to read:

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

18 **SECTION 17.** 813.12 (6) (am) 1. of the statutes is amended to read:

19 **813.12 (6) (am) 1.** If an injunction is issued or extended under sub. (4) or if a
20 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify
21 the department of justice of the injunction and shall provide the department of
22 justice with information concerning the period during which the injunction is in
23 effect and information necessary to identify the respondent for purposes of a firearms
24 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
25 175.50 (9g) (b).

1 **SECTION 18.** 813.12 (6) (am) 2. of the statutes is amended to read:

2 813.12 **(6)** (am) 2. Except as provided in subd. 3., the department of justice may
3 disclose information that it receives under subd. 1. only as part of a firearms
4 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
5 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or
6 (11) (d) 3.

7 **SECTION 19.** 813.122 (9) (am) 1. of the statutes is amended to read:

8 813.122 **(9)** (am) 1. If an injunction is issued or extended under sub. (5), the
9 clerk of the circuit court shall notify the department of justice of the injunction and
10 shall provide the department of justice with information concerning the period
11 during which the injunction is in effect and information necessary to identify the
12 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
13 (c) or a background check under s. 175.50 (9g) (b).

14 **SECTION 20.** 813.122 (9) (am) 2. of the statutes is amended to read:

15 813.122 **(9)** (am) 2. Except as provided in subd. 3., the department of justice
16 may disclose information that it receives under subd. 1. only as part of a firearms
17 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
18 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or
19 (11) (d) 3.

20 **SECTION 21.** 813.125 (5r) (a) of the statutes is amended to read:

21 813.125 **(5r)** (a) If an order prohibiting a respondent from possessing a firearm
22 is issued under sub. (4m), the clerk of the circuit court shall notify the department
23 of justice of the existence of the order prohibiting a respondent from possessing a
24 firearm and shall provide the department of justice with information concerning the
25 period during which the order is in effect and information necessary to identify the

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 22.** 813.125 (5r) (b) of the statutes is amended to read:

4 813.125 (5r) (b) Except as provided in par. (c), the department of justice may
5 disclose information that it receives under par. (a) 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 23.** 938.396 (8) of the statutes is amended to read:

10 938.396 (8) Notwithstanding sub. (2), if a juvenile is adjudged delinquent for
11 an act that would be a felony if committed by an adult, the court clerk shall notify
12 the department of justice of that fact. No other information from the juvenile's court
13 records may be disclosed to the department of justice except by order of the court.
14 The department of justice may disclose any information provided under this
15 subsection only as part of a firearms restrictions record search under s. 175.35 (2g)
16 (c) or a background check under s. 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g)
17 (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

18 **SECTION 24.** 938.396 (8m) of the statutes is created to read:

19 938.396 (8m) (a) Notwithstanding sub. (2), if a juvenile is adjudged delinquent
20 for an act that would be a misdemeanor crime of violence, as defined in s. 175.50 (1)
21 (e), if committed by an adult, the court clerk shall notify the department of justice
22 of that fact. Except as provided in par. (b), no other information from the juvenile's
23 court records may be disclosed to the department of justice except by order of the
24 court.

1 (b) If an applicant for a license to carry a concealed weapon under s. 175.50 was
2 adjudicated delinquent as a juvenile in a case covered by par. (a), the department of
3 justice may request permission to review court records relating to the case for the
4 purpose of determining whether the applicant meets the requirement under s.
5 175.50 (3) (m). Upon receiving such a request, the court shall open for inspection by
6 authorized representatives of the department of justice the records of the court
7 relating to that case.

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

11 **SECTION 25.** 941.23 of the statutes is renumbered 941.23 (1) (intro.) and
12 amended to read:

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

16 **SECTION 26.** 941.23 (1) (a) of the statutes is created to read:

17 941.23 (1) (a) A peace officer.

18 **SECTION 27.** 941.23 (1) (b) of the statutes is created to read:

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

22 **SECTION 28.** 941.23 (1) (c) of the statutes is created to read:

23 941.23 (1) (c) An individual who goes armed with a concealed and dangerous
24 weapon, as defined in s. 175.50 (1) (j), in his or her own dwelling or place of business

1 or on land that he or she owns, leases, or legally occupies, unless he or she is
2 prohibited under federal or state law from possessing that weapon.

3 **SECTION 29.** 941.23 (2) of the statutes is created to read:

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

9 **SECTION 30.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and
10 amended to read:

11 941.235 (2) (intro.) This section does not apply to ~~peace~~ any of the following:

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

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

17 **SECTION 31.** 941.235 (2) (c) of the statutes is created to read:

18 941.235 (2) (c) 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, as
20 defined in s. 175.50 (1) (j), if the firearm is a handgun, as defined in s. 175.50 (1) (bm).

21 **SECTION 32.** 941.237 (3) (ct) of the statutes is created to read:

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

25 **SECTION 33.** 941.295 (2) (d) of the statutes is amended to read:

1 941.295 **(2)** (d) Any manufacturer or seller ~~whose of~~ electric weapons are used
2 ~~in this state solely by persons, unless the manufacturer or seller engages in the~~
3 ~~conduct described in sub. (1) with the intent to provide an electric weapon to someone~~
4 ~~other than a person specified in pars. (a) to (c) or sub. (2g) (a) or to a person for use~~
5 ~~in his or her dwelling or place of business or on land that he or she owns, leases, or~~
6 ~~legally occupies.~~

7 **SECTION 34.** 941.295 (2g) of the statutes is created to read:

8 941.295 **(2g)** The prohibition in sub. (1) on possessing or going armed with an
9 electric weapon does not apply to any of the following:

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

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

16 **SECTION 35.** 941.295 (2r) of the statutes is created to read:

17 941.295 **(2r)** The prohibition in sub. (1) on transporting an electric weapon does
18 not apply to any of the following:

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

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

23 1. His or her dwelling.

24 2. His or her own place of business.

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

