



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBs0162/1  
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ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2003 ASSEMBLY BILL 444

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), 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.

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***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 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.

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*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 175.50 (9g) (b). No other  
12 information from the subject individual's court records may be disclosed to the  
13 department of justice except by order of the court. The department of justice may  
14 disclose information provided under this subdivision only as part of an involuntary  
15 commitment history record search under s. 175.35 (2g) (c) or 175.50 (9g) (b) or to a  
16 sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

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

18       51.20 (16) (gm) Upon a request under par. (a), a court may cancel the  
19 prohibition under sub. (13) (cv) 1. if the court determines, based on evidence  
20 presented on the issue of the subject individual's dangerousness, that there no longer  
21 is a substantial probability that the individual may use a firearm to cause physical  
22 harm to himself or herself or endanger public safety. If a court cancels a prohibition  
23 under sub. (13) (cv) 1. under this paragraph, the court clerk shall notify the  
24 department of justice of that fact and provide any information identifying the subject  
25 individual that is necessary to permit an accurate involuntary commitment record

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1 search under s. 175.35 (2g) (c) or 175.50 (9g) (b). No other information from the  
2 subject individual's court records may be disclosed to the department of justice  
3 except by order of the court.

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

5 51.30 (3) (a) Except as provided in pars. (b) and (c) and s. 175.50 (11) (d) 2. g.  
6 and 3., the files and records of the court proceedings under this chapter shall be  
7 closed but shall be accessible to any individual who is the subject of a petition filed  
8 under this chapter.

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

10 55.06 (17) (bm) Paragraph (a) does not apply to a clerk, as defined in s. 175.50  
11 (11) (d) 1., providing notice to the department of justice under s. 175.50 (11) (d) 2. h.  
12 of a finding of incompetency under ch. 880 or to the department of justice informing  
13 a sheriff under s. 175.50 (11) (d) 3. of such a finding made with respect to a licensee.

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

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

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

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

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



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

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

5           165.82 (2) Except as provided in ~~s.~~ ss. 175.35 and 175.50<sup>✓</sup>, the department of  
6 justice shall not impose fees for criminal history searches for purposes related to  
7 criminal justice.

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

9           167.31 (4) (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply  
10 to the placement, possession, transportation, or loading of a handgun, as defined in  
11 s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon  
12 issued under s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

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

14           **175.50 License to carry a concealed weapon. (1) DEFINITIONS.** In this

15 section:

16 (a)<sup>✓</sup> Except in subs. (2g) (b) and (11) (c) 2., "carry" means to go armed with.

17 (aj) "Department" means the department of justice.

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

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

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

22 3. A violation of the law of another jurisdiction, as defined in s. 340.01 (41m),  
23 that prohibits use of a motor vehicle while intoxicated, while under the influence of  
24 a controlled substance, a controlled substance analog, or a combination thereof, with  
25 an excess or specified range of alcohol concentration, or while under the influence of

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1 any drug to a degree that renders the person incapable of safely driving, as those or  
2 substantially similar terms are used in that jurisdiction's laws.

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

4 ~~(b)~~

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

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

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

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

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

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

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

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

25 (h) "Private property" has the meaning given in s. 943.13 (1e) (e).

1 (i) "Proprietor" means a person to whom a Class "B" or "Class B" license or  
2 permit has been issued under ch. 125.

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

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

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

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

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

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

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

25 1. The agreement shall be in writing.

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

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

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

9           4. The agreement shall designate one county to be identified as the county of  
10 issuance.

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

15           **(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE OR**  
16 **AUTHORIZATION.** (a) A licensee or an out-of-state licensee may carry a concealed  
17 weapon anywhere in this state except as provided under sub. (16) or s. 941.20 (1) (b).

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

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

1           **(2m) LICENSE DOCUMENT; CONTENT OF LICENSE.** (a) Subject to pars. (b), (c), and  
2 (d), the department shall design a single license document for licenses issued and  
3 renewed under this section. The department shall complete the design of the license  
4 document no later than the first day of the 4th month beginning after the effective  
5 date of this paragraph .... [revisor inserts date], and shall distribute the design for  
6 the license document to any sheriff who issues licenses under sub. (2) (a) or (c) for the  
7 sheriff to use for licenses that he or she issues under this section.

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

- 10           1. The full name, date of birth, and residence address of the licensee.
- 11           2. A color photograph of the licensee.
- 12           3. A physical description of the licensee, including gender, height, weight, and  
13 hair and eye color.
- 14           4. The date on which the license was issued.
- 15           5. The date on which the license expires.
- 16           6. The name of this state.
- 17           7. The name of the county that issues the license.
- 18           8. A unique identification number for each licensee that begins with a unique  
19 code number, which the department shall establish, for the county listed in subd. 7.

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

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

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

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

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

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

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

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

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

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

20           1. The individual has been committed for involuntary treatment under s. 51.45

21           (13).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

12          (s) The individual is a Wisconsin resident.

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

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

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

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

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

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

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

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

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

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

24 (bh) The fee for a <sup>background check</sup> ~~firearms restrictions record search~~ specified in sub. (9g) (c).

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

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

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

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

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

background  
check

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

11 1. Issue the license.

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

15 (c) Except as provided in sub. (9r), a sheriff may not issue a license until 7 days,  
16 subject to extension under sub. (9g) (b) 3. c., have elapsed from the time that the  
17 sheriff has received a confirmation number regarding the firearms restrictions  
18 record search under sub. (9g) (b) 1. from the department, unless the department has  
19 notified the sheriff that the search does not indicate that the applicant is disqualified  
20 for a license under sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r).

21 (9g) ~~FIREARMS RESTRICTIONS RECORD SEARCHES~~ BACKGROUND CHECKS. (a) A sheriff shall request that  
22 the department conduct a firearms restrictions record search by calling the  
23 department, using a toll-free telephone number provided by the department, and  
24 providing the department with the name, date of birth, gender, and race of the  
25 applicant.

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

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

5 2. The department shall conduct the firearms restrictions record search  
6 regarding an applicant for a license under this section. In conducting a search under  
7 this subdivision, the department shall use the transaction information for  
8 management of enforcement system and the national crime information center  
9 system.

background  
check

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

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

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

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

relevant

or if, in the case of a misdemeanor delinquency adjudication, it does not indicate  
how long the resultant dispositional order was in effect,  
the background check

~~to~~ obtain the missing information ✓

1 charge for which there is initially no recorded disposition and shall notify the sheriff  
2 of the results of its efforts as soon as practicable.

background  
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3 (bm) The department shall conduct the search under par. (b) immediately if,  
4 when requesting ~~the search~~ <sup>it</sup> under par. (a), the sheriff informs the department that  
5 the search is for an applicant for an emergency license under sub. (9r).

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

11 (d) A sheriff shall maintain the original record of all completed application  
12 forms and a record of all confirmation numbers and corresponding approval or  
13 nonapproval numbers that he or she receives regarding firearms restrictions record  
14 ~~searches~~ <sup>background checks</sup> under this subsection. The sheriff shall mail a duplicate copy of each  
15 completed application form to the department.

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

1 application form indicates that the applicant is not qualified for a license under sub.  
2 (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r), the department shall immediately  
3 notify the sheriff who issued the license, and the sheriff shall revoke the license.

4 2. The department may maintain records necessary to administer this  
5 subsection<sup>a✓</sup> and, for a period of not more than 3 years after the department issues a  
6 unique approval number, a log of dates of requests for background checks firearms restrictions record  
7 searches under this subsection together with confirmation numbers and unique  
8 approval and nonapproval numbers corresponding to those dates.

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

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

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

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

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

5 (10) EXEMPTION FROM FIREARMS RESTRICTIONS RECORD SEARCH. Notwithstanding  
6 subs. (9) (a) and (15) (c), a sheriff shall issue or renew a license under this section to  
7 any of the following individuals without requesting a firearms restrictions record  
8 search:

9 (a) A law enforcement officer.

10 (b) A correctional officer.

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

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

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

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

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

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

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

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

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

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

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



- 1           b. The individual is charged with a drunk driving offense.
- 2           c. The individual is found by a court to have committed any offense described  
3 in subd. 2. a. or b.
- 4           d. Prosecution of a felony or a misdemeanor crime of violence for which the  
5 individual is charged is suspended under a deferred prosecution agreement.
- 6           e. The individual is found incompetent under s. 971.14.
- 7           f. The individual is found not guilty of any crime by reason of mental disease  
8 or mental defect under s. 971.17.
- 9           g. The individual is involuntarily committed for treatment under s. 51.20 or  
10 51.45.
- 11          h. The individual is found incompetent under ch. 880.
- 12          i. The individual becomes subject to an injunction described in s. 941.29 (1) (f)  
13 or is ordered not to possess a firearm under s. 813.125 (4m).
- 14          j. A court has prohibited the individual from possessing a dangerous weapon  
15 under s. 969.02 (3) (c).
- 16          3. Upon receiving a notice under subd. 2., the department shall immediately  
17 determine if the individual who is the subject of the notice is a licensee, using the list  
18 maintained under par. (am). If the department determines that the individual is a  
19 licensee, the department shall immediately inform the sheriff of the county that  
20 issued the license of the individual's name and the basis for the notice under subd.  
21 2.
- 22          (12) UPDATED INFORMATION. (a) Within 10 days after being charged under  
23 federal law or the law of another state with any crime or any drunk driving offense,  
24 a licensee shall notify the sheriff of the county that issued his or her license of the  
25 charge.

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

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

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

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

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

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

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

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

24 2. A sheriff who suspends or revokes a license issued under this section shall  
25 send the individual whose license has been suspended or revoked notice of the

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

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

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

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

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

24 (e) The court shall review the petition, the answer, and any records or  
25 documents submitted with the petition or the answer. The review under this

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

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

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

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

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

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

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

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

24 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 firearms restrictions record search 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 firearms  
12 restrictions record search of a licensee as provided under sub. (9g) before renewing  
13 the licensee's license under 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 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

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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.

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

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

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

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

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

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

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

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

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

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

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

1 (c) Any person who intentionally falsely swears under sub. (6) or (15) (b) 2. or  
2 who intentionally makes a false statement to a sheriff in requesting or in connection  
3 with the issuance of an emergency license under sub. (9r) shall be fined not less than  
4 \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

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

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

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

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

22 (b) By March 1 of each year, the department shall submit a statistical report  
23 to the legislature under s. 13.172 (2) and to the governor that is compiled from the  
24 reports submitted under par. (a) and that indicates the number of licenses applied  
25 for, issued, denied, suspended, and revoked under this section during the previous



1 calendar year. For the licenses denied, the report shall indicate the reasons for the  
2 denials and the part of the application process in which the reasons for denial were  
3 discovered. For the licenses suspended or revoked, the report shall indicate the  
4 reasons for the suspensions and revocations.

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

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

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

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

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

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

23 (c) In order to receive a grant under this subsection, the person creating or  
24 improving a shooting range shall agree to provide, for a fee of not more than \$20, a

1 firearm safety course or class that will qualify an individual to satisfy the  
2 requirements under sub. (3) (h) for a license to carry a concealed weapon.

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

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

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

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

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

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

21 813.12 (6) (am) 1. If an injunction is issued or extended under sub. (4) or if a  
22 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify  
23 the department of justice of the injunction and shall provide the department of  
24 justice with information concerning the period during which the injunction is in

✓  
a background check  
under s.

1 effect and information necessary to identify the respondent for purposes of a firearms  
2 restrictions record search under s. 175.35 (2g) (c) or 175.50 (9g) (b).

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

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

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

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

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

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

a background check  
under s.

1 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)  
2 (c) or 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 175.50 (9g) (b) or to a sheriff  
7 under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

8 SECTION 23. 938.396 (8) of the statutes is amended to read:

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

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

18 938.396 (8m) (a) Notwithstanding sub. (2), if a juvenile is adjudged delinquent  
19 for an act that would be a misdemeanor crime of violence, as defined in s. 175.50 (1)  
20 (e), if committed by an adult, the court clerk shall notify the department of justice  
21 of that fact. Except as provided in par. (b), no other information from the juvenile's  
22 court records may be disclosed to the department of justice except by order of the  
23 court.

24 (b) If an applicant for a license to carry a concealed weapon under s. 175.50 was  
25 adjudicated delinquent as a juvenile in a case covered by par. (a), the department of

1 justice may request permission to review court records relating to the case for the  
2 purpose of determining whether the applicant meets the requirement under s.  
3 175.50 (3) (m). Upon receiving such a request, the court shall open for inspection by  
4 authorized representatives of the department of justice the records of the court  
5 relating to that case.

6 (c) The department of justice may disclose information provided or obtained  
7 under this subsection only as part of a <sup>background check</sup> ~~firearms restrictions record search~~ under s.  
8 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or  
9 (11) (d) 3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 21 1. His or her dwelling.
- 22 2. His or her own place of business.
- 23 3. Land that he or she owns, leases, or legally occupies.

24 **SECTION 36.** 946.32 (3) of the statutes is created to read:

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

3           **SECTION 37.** 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. 175.50 (1) (bm), by an individual holding a valid license under s. 175.50  
6 or authorized under the law of another state to go armed with a concealed handgun  
7 who is going armed with a concealed handgun as permitted under s. 175.50.

8           **SECTION 38.** 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, as defined in s. 175.50 (1) (bm), by  
11 an individual holding a valid license under s. 175.50 or authorized under the law of  
12 another state to go armed with a concealed weapon who is going armed with a  
13 concealed weapon as permitted under s. 175.50.

14

(END)



2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBs0162/2ins  
MGD:.....

1           **INSERT 9/15**

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

6           **INSERT 10/17**

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

9           **INSERT 18/6**

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