

2003 DRAFTING REQUEST

Senate Amendment (SA-SSA(LRBs0161/3)-SB214)

Received: **09/05/2003**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **Bob Seitz**

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to: **cathlene.hanaman@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Business owner or person in his or her own home prohibiting patrons or visitors from carrying a concealed weapon

Instructions:

Permit them to do so. Person who violates owner's restriction can be prosecuted for trespass, but only if notice is posted and person has been personally warned of the restriction. Immunity for owners who do not prohibit carrying of a concealed weapon.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	mdsida 10/03/2003	wjackson 10/06/2003	jfrantze 10/06/2003	_____	Inorthro 10/06/2003	Inorthro 10/06/2003	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	mdsida 10/07/2003 mdsida 10/10/2003	wjackson 10/07/2003	pgreensl 10/07/2003	_____	lemery 10/07/2003	lemery 10/07/2003	
/3		wjackson 10/10/2003	rschluet 10/10/2003	_____	lnorthro 10/10/2003	lnorthro 10/10/2003	

FE Sent For:

<END>

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Addl. Drafters:

Subject: Criminal Law - guns and weapons

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to: cathlene.hanaman@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

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Instructions:

Permit them to do so. Person who violates owner's restriction can be prosecuted for trespass, but only if notice is posted and person has been personally warned of the restriction. Immunity for owners who do not prohibit carrying of a concealed weapon.

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/3 Wlj 10/10

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10-102

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		1/2 WLj 10/7	1/7 PS	PS/JS			

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No specific pre topic given

Topic:

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Permit them to do so. Person who violates owner's restriction can be prosecuted for trespass, but only if notice is posted and person has been personally warned of the restriction. Immunity for owners who do not prohibit carrying of a concealed weapon.

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/?	mdsida	1 Wlj 10/6	7/10/6	<i>[Signature]</i> 10/6			

FE Sent For:

<END>

Dsida, Michael

From: Seitz, Robert
Sent: Monday, September 08, 2003 2:16 PM
To: Dsida, Michael
Cc: Bruhn, Mike
Subject: RE: More questions re trespass provisions

-----Original Message-----

From: Dsida, Michael
Sent: Saturday, September 06, 2003 9:14 AM
To: Seitz, Robert
Subject: More questions re trespass provisions

1. There are three categories of people to whom the existing prohibition on trespassing does not apply: a) hunters, if DNR removes a wild animal from the property under certain circumstances or if the owner of the property receives wildlife damage abatement assistance or wildlife damage claim payments; b) a person (who is generally a DNR employee or contractor, from what I can tell) who enters the land to remove a wild animal that is causing a nuisance; c) a person entering or remaining on exposed shoreline below the normal high water mark. I assume that you want the first exception to apply, and I am pretty sure that you would want the second as well. But I wasn't sure about the third.

[Seitz, Robert] These are circumstances too rare and unlikely to become problematic to be dealt with here. They generally regard a private property property where the rights of the landowner are fairly well established.

2. Does the restriction only apply to real property? Can a bus company, charter boat operator, taxi driver, or driver of a privately owned and operated car prohibit someone from carrying a concealed weapon in the bus, boat, or car? FYI -- you don't have to treat all of these situations the same way if you don't want to.

[Seitz, Robert] No

3. Does the restriction apply to all real property, or just buildings? If it applies to all real property and to all persons (not just those regularly engaged in commerce), then maybe it makes sense to require notice be given in the same manner as is done under current law for trespassing generally (posting under s. 943.13 (2)).

[Seitz, Robert] Just buildings.
Mike Dsida
Legislative Reference Bureau
608/266-9867
michael.dsida@state.legis.wi.us

Dsida, Michael

From: Seitz, Robert
Sent: Monday, September 08, 2003 2:18 PM
To: Dsida, Michael
Cc: Bruhn, Mike
Subject: RE: Restriction imposed by businesses -- and others?

-----Original Message-----

From: Dsida, Michael
Sent: Saturday, September 06, 2003 5:44 AM
To: Seitz, Robert
Subject: Restriction imposed by businesses -- and others?

I assume that you also want to cover nonprofits, such as trade associations, Elks Clubs, drug treatment centers, places of worship..., since they also have patrons/customers/visitors.

[Seitz, Robert] They should be treated like other private places.

Do you want a person to be able to impose the same restriction in his or her home?

[Seitz, Robert] I think we agreed Friday that a person's control over who enters their home is well enough established that they should no more have posting requirements for this than no smoking signs.

-----Original Message-----

From: Seitz, Robert
Sent: Friday, September 05, 2003 4:49 PM
To: Dsida, Michael
Subject: RE: restriction

A thought: In the amendment on prohibiting in a business, we may be able to say a person is guilty if he "knowingly" possesses in a posted area instead of going into the verbal notification. Texas does this. In all likelihood, the way to be sure he "knowingly" did it is to verbally notify.

Plc to Bob

Homeowner can prohibit
No parking req'd

Covers their land too.

Businesses

Doesn't apply to pkg lot / structure
Only Bldg.

10/1 Plc to Mike - left msg

Is 355 ok re ~~for~~ who has to provide
what kind of notice.

Dsida, Michael

From: Dsida, Michael
Sent: Tuesday, September 30, 2003 4:44 PM
To: Seitz, Robert; Bruhn, Mike
Subject: landlords and tenants

I am including provisions prohibiting a landlord or a condo assn from restricting a tenant's or a condo owner's right to carry in non-common areas. But can a landlord carry a concealed weapon into an apartment or house that he or she has rented to someone else if the tenant objects?

Mike Dsida
Legislative Reference Bureau
608/266-9867
michael.dsida@state.legis.wi.us

Don't include



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa0896/?
MGD:.....

2003 Special Session

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can't discriminate on basis of licensee status?

1. Page 35, line 6: after that line insert:

SECTION 16d. 703.105 of the statutes is created to read:

703.107 Carrying a concealed weapon. (1) In this section:

(a) "Licensee" means a licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g).

(b) "Weapon" has the meaning given in s. 175.50 (1) (j).

(2) No bylaw or rule may be adopted or provision included in a declaration or deed that does any of the following:

(a) Prohibits a unit owner

or guest or person residing there with consent of owner

who is a licensee from going armed with a concealed weapon or a particular type of concealed weapon within the unit or in any area that is a common element.

Dont' need b???

(b) Requires a unit owner to bar any person who is a licensee from going armed with a concealed weapon or a particular type of concealed weapon within the unit.

SECTION 16i. 704.55 of the statutes is created to read:

1 **704.55 Carrying a concealed weapon.** (1) In this section:

2 (a) “Common area” includes parking lots and areas that are outside of the
3 building but are on the property on which the building is located.

4 (b) “Licensee” means a licensee, as defined in s. 175.50 (1) (d), or an out-of-state
5 licensee, as defined in s. 175.50 (1) (g).

6 (c) “Weapon” has the meaning given in s. 175.50 (1) (j).

7 (2) A landlord may not impose a requirement on a tenant that does any of the
8 following:

9 (a) Prohibits the tenant, if the tenant is a licensee, from going armed with a
10 concealed weapon or a particular type of concealed weapon within the premises or
11 in any common area of the building in which the premises are located.

12 (b) Requires the tenant to bar any person who is a licensee from going armed
13 with a concealed weapon or a particular type of concealed weapon within the
14 premises.

15 **SECTION 16p.** 707.08 of the statutes is created to read:

16 **707.08 Carrying a concealed weapon.** (1) In this section:

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

19 (b) “Weapon” has the meaning given in s. 175.50 (1) (j).

20 (2) No time-share instrument may impose a restriction on a time-share owner
21 that does any of the following:

22 (a) Prohibits a unit owner who is a licensee from going armed with a concealed
23 weapon or a particular type of concealed weapon within the unit or in any area that
24 is a common element.

1 (b) Requires a unit owner to bar any person who is a licensee from going armed
2 with a concealed weapon or a particular type of concealed weapon within the unit or
3 in any area that is a common element.

4 **SECTION 16w.** 703.105 of the statutes is created to read:

5 **703.107 Carrying a concealed weapon.** (1) In this section:

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

8 (b) “Weapon” has the meaning given in s. 175.50 (1) (j).

9 (2) No bylaw or rule may be adopted or provision included in a declaration or
10 deed that does any of the following:

11 (a) Prohibits a unit owner who is a licensee from going armed with a concealed
12 weapon or a particular type of concealed weapon within the unit or in any area that
13 is a common element.

14 (b) Requires a unit owner to bar any person who is a licensee from going armed
15 with a concealed weapon or a particular type of concealed weapon within the unit or
16 in any area that is a common element.

Dsida, Michael

From: Dsida, Michael
Sent: Wednesday, October 01, 2003 11:26 AM
To: Seitz, Robert; Bruhn, Mike
Subject: Special trespass law for hospitals

I have drafted the private property/trespass provision so that a government agency cannot use the general trespass law to keep people from carrying a concealed weapon on property that the agency owns or occupies. Section 943.145, however, may provide a government-run hospital its own way of barring people who are carrying. But in view of your interest in keeping this amendment relatively simple, and in view of the fact that a prosecutor pursuing a trespass case under s. 943.145 would also have to prove a "breach of the peace" element, I will not have the amendment treat that section unless you tell me otherwise.

Mike Dsida
Legislative Reference Bureau
608/266-9867
michael.dsida@state.legis.wi.us

*jk per
John Hogan*

Dsida, Michael

From: Bruhn, Mike
Sent: Friday, October 03, 2003 11:09 AM
To: Dsida, Michael
Subject: RE: private property amdt

It has to be in writing posted.

-----Original Message-----

From: Dsida, Michael
Sent: Friday, October 03, 2003 11:07 AM
To: Bruhn, Mike
Subject: RE: private property amdt

by the way did you get the message I left on Tuesday or Wed. ? It was a question regarding the kind of notice that a person needs to provide in his or her home if s/he wants to bar ccw in the home.

-----Original Message-----

From: Bruhn, Mike
Sent: Friday, October 03, 2003 8:39 AM
To: Dsida, Michael
Subject: RE: private property amdt

Mike,

Bob has been out most of the week, and this was one of the amendments he was working on. I believe that is correct, however. If they could restrict say in a parking lot, where would the person be able to store their gun if they are also restricting from the inside of the building? They have to be able to store it somewhere.

-----Original Message-----

From: Dsida, Michael
Sent: Thursday, October 02, 2003 10:41 AM
To: Bruhn, Mike; Seitz, Robert
Subject: private property amdt

In keeping with the instructions that you provided me for the private property amdt, that amdt only permits a person to restrict ccw outside of a building if the building involved is a single family home. Thus, like a store owner, a medical office or a non-profit (including a place of worship) cannot restrict ccw on the property surrounding the building involved. Is that still what you want for the private property amdt?

Mike Dsida
Legislative Reference Bureau
608/266-9867
michael.dsida@state.legis.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa0896/1
MGD:./:....
Wlj

SENATE AMENDMENT,

✓ TO SENATE SUBSTITUTE AMENDMENT (LRBs0161/2),

✓ TO 2003 SENATE BILL 214

Tues

10/7

9 AM

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ 1. Page 12, line 25: after "s." insert "94³.13 (1m) (c) or".

3 ✓ 2. Page 34, line ~~12~~²³: after that line insert:

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

7 ✓ 3. Page 40, line 12: after that line insert:

8 "SECTION 35c. 943.13 (1e) (bm) of the statutes is created to read:

9 943.13 (1e) (bm) "Licensee" means a licensee, as defined in s. 175.50 (1) (d), or
10 an out-of-state licensee, as defined in s. 175.50 (1) (g).

11 SECTION 35f. 943.13 (1e) (g) of the statutes is created to read:

12 943.13 (1e) (g) "Weapon" has the meaning given in s. 175.50 (1) (j).

1 **SECTION 35j.** 943.13 (1m) (b) of the statutes is amended to read:

2 943.13 (1m) (b) Enters or remains on any land of another after having been
3 notified by the owner or occupant not to enter or remain on the premises. This
4 paragraph does not apply to a licensee if the owner's or occupant's intent is to prevent
5 the licensee from going armed with a concealed weapon on the owner's or occupant's
6 land.

7 **History:** 1971 c. 317; 1977 c. 173, 295; 1979 c. 32; 1983 a. 418; 1987 a. 27; 1989 a. 31; 1993 a. 342, 486; 1995 a. 45, 451; 1997 a. 248; 1999 a. 9; 2003 a. 33.

7 **SECTION 35m.** 943.13 (1m) (c) of the statutes is created to read:

8 943.13 (1m) (c) 1. While going armed with a concealed weapon, enters or
9 remains at a residence that the person does not own or occupy after the owner of the
10 residence, if he or she has not leased it to another person, or the occupant of the
11 residence has notified the actor not to enter or remain at the residence while going
12 armed with a concealed weapon or with that type of concealed weapon. In this
13 subdivision, "residence," with respect to a single-family residence, includes all of the
14 premises, and "residence," with respect to a residence that is not a single family
15 residence, does not include any common area of the building in which the residence
16 is located.

17 2. While going armed with a concealed weapon, enters or remains in any part
18 of a nonresidential building that the person does not own or occupy after the owner
19 of the building, if he or she has not leased it to another person, or the occupant of the
20 building has notified the actor not to enter or remain in the building while going
21 armed with a concealed weapon or with that type of concealed weapon. This
22 subdivision does not apply to a part of a building occupied by the state or one of its
23 political subdivisions or to any part of a building used for parking.

1 **SECTION 35p.** 943.13 (2) (intro.)[✓] of the statutes is renumbered 943.13 (2) (am)
2 (intro.)[✓], and 943.13 (2) (am) (intro.) and 1.[✓], as renumbered, are amended to read:

3 943.13 (2) (am) (intro.)[✓] A person has received notice from the owner or occupant
4 within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally,
5 either orally or in writing, or if the land is posted. Land is considered to be posted
6 under this ~~subsection~~ paragraph[✓] under either of the following procedures:

7 **History:** 1971 p. 317; 1977 c. 173, 295; 1979 c. 32; 1983 a. 418; 1987 a. 27; 1989 a. 31; 1993 a. 342, 486; 1995 a. 45, 451; 1997 a. 248; 1999 a. 9.

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

please check extra space

16 **History:** 1971 c. 317; 1977 c. 173, 295; 1979 c. 32; 1983 a. 418; 1987 a. 27; 1989 a. 31; 1993 a. 342, 486; 1995 a. 45, 451; 1997 a. 248; 1999 a. 9.

17 **SECTION 35s.** 943.13 (2) (bm)[✓] of the statutes is created to read:

18 943.13 (2) (bm) 1. In this ~~paragraph~~ subdivision[✓], “sign” means a sign that states a
restriction imposed under subd. 2[⊙] that is at least 11 inches square.

19 2. An owner or occupant of a residence, as defined in sub. (1m) (c) 1.[✓], or a part
20 of a nonresidential building has notified a person not to enter or remain in the
21 residence or that part of the nonresidential building while going armed with a
22 concealed weapon or with a particular type of concealed weapon if the owner or
23 occupant has done all of the following:

1 a. Posted a sign that is located in a prominent place near the primary entrance
2 to the residence and that is visible from outside of the home, if the residence is a
3 single[Ⓢ] family home.

4 b. Posted a sign that is located in a prominent place near the primary entrance
5 to the residence, if the residence is not a single[Ⓢ] family home.

6 c. Posted a sign in at least 2 conspicuous places for every 40 acres that are part
7 of the residence, if the residence includes 40 or more acres of land.

8 d. Posted a sign that is located in a prominent place near the primary entrance
9 to the part of the nonresidential building to which the restriction applies, in the case
10 of a nonresidential building.

11 **SECTION 35w.** 943.13 (3)[✓] of the statutes is amended to read:

12 943.13 (3) Whoever erects on the land of another signs which are the same as
13 or similar to those described in sub. (2) (am)[✓] without obtaining the express consent
14 of the lawful occupant of or holder of legal title to such land is subject to a Class C
15 forfeiture.”.

16 **History:** 1971 c. 317; 1977 c. 173, 295; 1979 c. 32; 1983 a. 418; 1987 a. 27; 1989 a. 31; 1993 a. 342, 486; 1995 a. 45, 451; 1997 a. 248; 1999 a. 9; 2003 a. 33.

(END)

Plc from Mike

No posting required for home



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa0896/D
MGD:wlj:jf

SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT (LRBs0161/2),
TO 2003 SENATE BILL 214

Thurs
5 PM

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 12, line 25: after "s." insert "943.13 (1m) (c) or".
- 3 **2.** Page 34, line 23: after that line insert:
- 4 "(c) A business or a nonprofit organization that permits a person to carry a
- 5 concealed weapon on property that it owns or occupies is immune from any liability
- 6 arising from its decision to do so, if done in good faith."
- 7 **3.** Page 40, line 12: after that line insert:
- 8 "SECTION 35c. 943.13 (1e) (bm) of the statutes is created to read:
- 9 943.13 (1e) (bm) "Licensee" means a licensee, as defined in s. 175.50 (1) (d), or
- 10 an out-of-state licensee, as defined in s. 175.50 (1) (g).
- 11 SECTION 35f. 943.13 (1e) (g) of the statutes is created to read:
- 12 943.13 (1e) (g) "Weapon" has the meaning given in s. 175.50 (1) (j).

1 **SECTION 35j.** 943.13 (1m) (b) of the statutes is amended to read:

2 943.13 (1m) (b) Enters or remains on any land of another after having been
3 notified by the owner or occupant not to enter or remain on the premises. This
4 paragraph does not apply to a licensee if the owner's or occupant's intent is to prevent
5 the licensee from going armed with a concealed weapon on the owner's or occupant's
6 land.

7 **SECTION 35m.** 943.13 (1m) (c) of the statutes is created to read:

8 943.13 (1m) (c) 1. While going armed with a concealed weapon, enters or
9 remains at a residence that the person does not own or occupy after the owner of the
10 residence, if he or she has not leased it to another person, or the occupant of the
11 residence has notified the actor not to enter or remain at the residence while going
12 armed with a concealed weapon or with that type of concealed weapon. In this
13 subdivision, "residence," with respect to a single-family residence, includes all of the
14 premises, and "residence," with respect to a residence that is not a single-family
15 residence, does not include any common area of the building in which the residence
16 is located.

17 2. While going armed with a concealed weapon, enters or remains in any part
18 of a nonresidential building that the person does not own or occupy after the owner
19 of the building, if he or she has not leased it to another person, or the occupant of the
20 building has notified the actor not to enter or remain in the building while going
21 armed with a concealed weapon or with that type of concealed weapon. This
22 subdivision does not apply to a part of a building occupied by the state or one of its
23 political subdivisions or to any part of a building used for parking.

24 **SECTION 35p.** 943.13 (2) (intro.) of the statutes is renumbered 943.13 (2) (am)
25 (intro.), and 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

^F The purposes of sub (1m) (c) 2 ^{0, ^}

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

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

14 **SECTION 35s.** 943.13 (2) (bm) of the statutes is created to read:

15 943.13 (2) (bm) 1. In this paragraph, "sign" means a sign that states a
16 restriction imposed under subd. 2. that is at least 11 inches square.

17 2. An owner or occupant of a residence, as defined in sub. (1m) (c) 1., or a part
18 of a nonresidential building has notified ~~a person~~ ^{an individual} not to enter or remain in the
19 residence or that part of the nonresidential building while going armed with a
20 concealed weapon or with a particular type of concealed weapon if the owner or
21 occupant has done all of the following:

22 a. Posted a sign that is located in a prominent place near the primary entrance
23 to the residence and that is visible from outside of the home, if the residence is a
24 single-family home.

1 b. Posted a sign that is located in a prominent place near the primary entrance
2 to the residence, if the residence is not a single-family home.

3 c. Posted a sign in at least 2 conspicuous places for every 40 acres that are part
4 of the residence, if the residence includes 40 or more acres of land.

5 ^a ~~d~~ Posted a sign that is located in a prominent place near the primary entrance
6 to the part of the nonresidential building to which the restriction applies, in the case
7 of a nonresidential building.

8 **SECTION 35w. 943.13 (3)** of the statutes is amended to read:

9 943.13 (3) Whoever erects on the land of another signs which are the same as
10 or similar to those described in sub. (2) (am) without obtaining the express consent
11 of the lawful occupant of or holder of legal title to such land is subject to a Class C
12 forfeiture.”.

13 (END)

q b0 Personally and orally notified the individual of the restriction.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa0896/203
MGD:wlj:129

SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT (LRBs0161/2),
TO 2003 SENATE BILL 214

3

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 12, line 25: after "s." insert "943.13 (1m) (c) or".

3 2. Page ~~34~~³⁵, line ~~23~~¹⁰: after that line insert:

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

7 3. Page 40, line ~~12~~²⁵: after that line insert:

8 "SECTION 35c. 943.13 (1e) (bm) of the statutes is created to read:

9 943.13 (1e) (bm) "Licensee" means a licensee, as defined in s. 175.50 (1) (d), or
10 an out-of-state licensee, as defined in s. 175.50 (1) (g).

11 SECTION 35f. 943.13 (1e) (g) of the statutes is created to read:

12 943.13 (1e) (g) "Weapon" has the meaning given in s. 175.50 (1) (j).

1 **SECTION 35j.** 943.13 (1m) (b) of the statutes is amended to read:

2 943.13 (1m) (b) Enters or remains on any land of another after having been
3 notified by the owner or occupant not to enter or remain on the premises. This
4 paragraph does not apply to a licensee if the owner’s or occupant’s intent is to prevent
5 the licensee from going armed with a concealed weapon on the owner’s or occupant’s
6 land.

7 **SECTION 35m.** 943.13 (1m) (c) of the statutes is created to read:

8 943.13 (1m) (c) 1. While going armed with a concealed weapon, enters or
9 remains at a residence that the person does not own or occupy after the owner of the
10 residence, if he or she has not leased it to another person, or the occupant of the
11 residence has notified the actor not to enter or remain at the residence while going
12 armed with a concealed weapon or with that type of concealed weapon. In this
13 subdivision, “residence,” with respect to a single-family residence, includes all of the
14 premises, and “residence,” with respect to a residence that is not a single-family
15 residence, does not include any common area of the building in which the residence
16 is located.

17 2. While going armed with a concealed weapon, enters or remains in any part
18 of a nonresidential building that the person does not own or occupy after the owner
19 of the building, if he or she has not leased it to another person, or the occupant of the
20 building has notified the actor not to enter or remain in the building while going
21 armed with a concealed weapon or with that type of concealed weapon. This
22 subdivision does not apply to a part of a building occupied by the state or one of its
23 political subdivisions or to any part of a building used for parking.

24 **SECTION 35p.** 943.13 (2) (intro.) of the statutes is renumbered 943.13 (2) (am)
25 (intro.), and 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

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

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

14 **SECTION 35s.** 943.13 (2) (bm) of the statutes is created to read:

15 943.13 (2) (bm) 1. In this paragraph, “sign” means a sign that states a
16 restriction imposed under subd. 2. that is at least 11 inches square.

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

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

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

25 **SECTION 35w.** 943.13 (3) of the statutes is amended to read:

1 943.13 (3) Whoever erects on the land of another signs which are the same as
2 or similar to those described in sub. (2) (am) without obtaining the express consent
3 of the lawful occupant of or holder of legal title to such land is subject to a Class C
4 forfeiture.”.

5

(END)

HRB a0896/3

S. Amdt. 1
to S. Sub. Amdt. ~~HRB a0896/3~~
to SB-214 ^①

#. Page 2, line 24: ~~on lines~~
~~24 and 25~~ delete
" (intro.) ".

~~HRB a0896/3~~

#. Page 2, line 25: delete
" (intro.), and " and
substitute ", and ".

KMG



1 SECTION 35j. 943.13 (1m) (b) of the statutes is amended to read:

2 943.13 (1m) (b) Enters or remains on any land of another after having been
3 notified by the owner or occupant not to enter or remain on the premises. This
4 paragraph does not apply to a licensee if the owner's or occupant's intent is to prevent
5 the licensee from going armed with a concealed weapon on the owner's or occupant's
6 land.

7 SECTION 35m. 943.13 (1m) (c) of the statutes is created to read:

8 943.13 (1m) (c) 1. While going armed with a concealed weapon, enters or
9 remains at a residence that the person does not own or occupy after the owner of the
10 residence, if he or she has not leased it to another person, or the occupant of the
11 residence has notified the actor not to enter or remain at the residence while going
12 armed with a concealed weapon or with that type of concealed weapon. In this
13 subdivision, "residence," with respect to a single-family residence, includes all of the
14 premises, and "residence," with respect to a residence that is not a single-family
15 residence, does not include any common area of the building in which the residence
16 is located.

17 2. While going armed with a concealed weapon, enters or remains in any part
18 of a nonresidential building that the person does not own or occupy after the owner
19 of the building, if he or she has not leased it to another person, or the occupant of the
20 building has notified the actor not to enter or remain in the building while going
21 armed with a concealed weapon or with that type of concealed weapon. This
22 subdivision does not apply to a part of a building occupied by the state or one of its
23 political subdivisions or to any part of a building used for parking.

24 SECTION 35p. 943.13 (2) ^{CCC}(intro.) of the statutes is renumbered 943.13 (2) (am)

25 (intro.) and 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

CCC



State of Wisconsin
2003-2004 LEGISLATURE

CORRECTIONS IN:

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

Prepared by the Legislative Reference Bureau
(October 17, 2003)

1. Page 2, line 24: delete "(intro.)".
2. Page 2, line 25: delete "(intro.), and" and substitute ", and".

0896 - SAI - SSA1 - SB 214
 0899 -

SD161/3

CONCEALED WEAPONS SUB. "IN" LIST

JFC ACTION	LRB #	OK?	SUBJECT
Motion 877	1308/1	Yes	Opt-out domestic violence shelters
Motion 876	1308/1	Yes	Opt-out domestic child care facilities
Motion 875	1308/1	Yes	Opt-out places of worship
Motion 892	1398/1	Yes	Licensee Info Search on TIME
Motion 878	1308/1	Yes	Opt-out for hospitals
Motion 889	1408/1	Yes	So-called "opt-out" for health care facilities
Motion 811	1399/1	Yes	Cannot carry at universities and related
Motion 895	1282/3	Yes	DOJ access to MH information
Motion 887	1301/8	Yes	5th month effective date
Motion 826	1302/2	Yes	To extent authorized by fed law
Motion 827	1303/1	Yes	Delete \$15 late fee
Motion 830	1306/1	Yes	DOJ rules on financial hardship
Motion 832	1308/1	Yes	Waiting period for exempt LE licensees
Motion 833	1308/1	Yes	30 days to issue license
Motion 835	1311/1	Yes	Registers in probate to share info w DOJ
Motion 839	1315/1	Yes	CCAP notification, delayed E date
Motion 856	1054/2	Yes	Immunity for court officials
Motion 857	1312/1	Yes	"Prompt" instead of "immediate"
Drafted Motion	1105/2	Yes	Public Bldgs May Bar CWs
Drafted Motion	0937/3	Yes	Out-of-state CW license list
Drafted Motion	1056/2	Yes	Elements of firearms training
Drafted Motion	1305/1	Yes	DOJ rules on physical disability
Drafted Motion	0940/1	Yes	Alcohol/intoxicant use

NB: 1421/1 is accomplished by 1309/1 and is not included in this "in" list.
 NB: 1422/1 is accomplished by 1303/1 and is not included in this "in" list.

~~1308/1~~
~~1308/1~~
~~1308/1~~

LRBs 0226/1

Express into

SSA 2 to SB 214
 Compile
 List