

Barman, Mike

From: Hanaman, Cathlene
Sent: Monday, October 27, 2003 3:13 PM
To: Barman, Mike

Mike,

SSA 2 - SB 214

In the s0226 file, I put a list of all of the amendments that went into that draft (don't miss a0896 and a0897 scribbled on top). Those amendments went into s0161.

I guess that file should be treated like a compile.

-C

SSA 1 - SB 214

0896
0899

CONCEALED WEAPONS SUB "IN" LIST

JFC ACTION	LRB #	OK?	SUBJECT
Motion 877	1303/1	Yes	Opt-out domestic violence shelters
Motion 876	1306/1	Yes	Opt-out domestic child care facilities
Motion 875	1308/1	Yes	Opt-out places of worship
Motion 892	1309/1	Yes	Licensee Info Search on TIME
Motion 878	1408/1	Yes	Opt-out for hospitals
Motion 889	1399/1	Yes	So-called "opt-out" for health care facilities
Motion 811	1282/3	Yes	Cannot carry at universities and related
Motion 895		Yes	DOJ access to MH information
Motion 887		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	1309/1	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.

Appendix

50161/3

Engross into LRBs 0226/1

SSA 2 to SB 214 compile Drafts

2003 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB214)

Received: **10/22/2003**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing:

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - guns and weapons
Criminal Law - law enforcement
Transportation - traffic laws**

Extra Copies:

Submit via email: **YES**

Requester's email: **paul.onsager@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Use of TIME system to verify licensee status

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 10/22/2003	kfollett 10/22/2003		_____			
/1			jfrantze 10/22/2003	_____	lnorthro 10/22/2003	lnorthro 10/22/2003	

FE Sent For:

<END>

2003 DRAFTING REQUEST**Senate Amendment (SA-SSA1-SB214)**Received: **10/22/2003**Received By: **mdsida**Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing:

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

May Contact:

Addl. Drafters:

Subject: **Criminal Law - guns and weapons
Criminal Law - law enforcement
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Topic:

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1?	mdsida	11 kjl 10/22	Jb 10/22	Jb Pfg 10/22			

FE Sent For:

<END>

1398

plc to Paul Onsager LFB

Asked him what happens if it's not a
vehicle stop. (eg, ~~the~~ pat down in an arrest)

Paul: Motion is not intended to address that
situation one way or another

Draft ~~the~~ amdt as if "only" doesn't appear on line 3

165-82??
DRAFT

Representative Kaufert

SENATE SUBSTITUTE AMENDMENT 1
TO
SENATE BILL 214

Authority to Utilize Concealed Weapons Licensee Information on TIME

Motion:

Move to specify that if the Department of Justice modifies the TIME system to include information relating to persons with concealed weapons licenses, law enforcement personnel may query the system for licensee information only if there is probable cause to conduct a vehicle stop. Specify that the query may only be for the following purposes: (1) to confirm the validity of a license produced by an individual at the request of a law enforcement officer; (2) to confirm that an individual holds a valid concealed weapons license in a situation where the individual was armed with a concealed weapon, was not carrying the required license, but claimed to hold one; or (3) to investigate whether an individual falsely swore in his or her concealed weapons license application, intentionally violated the requirement to provide updated information to the sheriff issuing the license within 10 days after being charged under federal law or the law of another state with any crime or any drunk driving offense, or intentionally made a false statement to a sheriff in connection with the individual's request for an emergency concealed weapons license.

MO#	Y	N
Darling	<input checked="" type="radio"/>	<input type="radio"/>
Welch	<input checked="" type="radio"/>	<input checked="" type="radio"/>
Fitzgrid	<input checked="" type="radio"/>	<input type="radio"/>
Lazich	<input checked="" type="radio"/>	<input type="radio"/>
Harsdorf	<input checked="" type="radio"/>	<input type="radio"/>
Kanavas	<input checked="" type="radio"/>	<input type="radio"/>
Decker	<input checked="" type="radio"/>	<input type="radio"/>
Moore	<input checked="" type="radio"/>	<input type="radio"/>
Kaufert	<input checked="" type="radio"/>	<input type="radio"/>
Huebsch	<input checked="" type="radio"/>	<input type="radio"/>
Ward	<input checked="" type="radio"/>	<input type="radio"/>
Stone	<input checked="" type="radio"/>	<input type="radio"/>
Rhoades	<input checked="" type="radio"/>	<input type="radio"/>
Meyer	<input checked="" type="radio"/>	<input type="radio"/>
Coggs	<input checked="" type="radio"/>	<input type="radio"/>
Schooff	<input checked="" type="radio"/>	<input type="radio"/>

Kaufert/
Huebsch

15-1

2003

Date (time) needed Now

LRBa 1398, 1

AMENDMENT

mgd: [Signature]

See form AMENDMENTS — COMPONENTS & ITEMS.

(S) A AMENDMENT

TO S A AMENDMENT _____ (LRBa /),
TO (S) A SUBSTITUTE AMENDMENT _____ (LRBs /),
TO 2003 SB SJR SR AB AJR AR 214 (LRB- /)

At the locations indicated, amend the bill as follows:
(fill ONLY if "engrossed ..." or "as shown by")

#. Page 9, line 22: delete "(c) 2." and substitute "(c) 1. ^b."

#. Page 24, line 21: after "(c)" insert "1."

#. Page 25, line 1: delete "1." and substitute "a."

#. Page, line

#. Page, line

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1398/lins
MGD:.....

1 **INSERT**

2 **1.** Page 25, line 3: delete "2." and substitute "b." ✓

3 **2.** Page 25, line 6: delete "3." and substitute "c." ✓

4 **3.** Page 25, line 9: after that line insert:

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

AMENDMENT JACKET

01398
LRB NUMBER

DATE

SENATE AMENDMENT _____

to _____ amendment _____

to _____ sub. amdt. _____

TO _____ BILL _____

DO NOT WRITE IN THE SHADED AREA

Offered by Senator (s) _____

Offered by (Joint) Committee on _____

To introduce this amendment: submit this amendment jacket, signed by the amendment authors, and all attached copies to the Senate Journal and Records Section, Room 402, One East Main, or to a member of the Chief Clerk's staff at the front desk in the Senate Chambers.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa1398/1
MGD:kjf:jf

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

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 9, line 22: delete "(c) 2." and substitute "(c) 1. b.".
- 3 **2.** Page 24, line 21: after "(c)" insert "1.".
- 4 **3.** Page 25, line 1: delete "1." and substitute "a.".
- 5 **4.** Page 25, line 3: delete "2." and substitute "b.".
- 6 **5.** Page 25, line 6: delete "3." and substitute "c.".
- 7 **6.** Page 25, line 9: after that line insert:
- 8 "2. If the department maintains information compiled under this section
- 9 regarding licensees through the transaction information for the management of
- 10 enforcement system and a law enforcement officer uses that system in the context
- 11 of a vehicle stop that meets the requirements of s. 349.02 (2) (a), the law enforcement

1 officer may only obtain information from that system regarding the licensee's status
2 as a licensee for the purposes listed in subd. 1.”

3 (END)

2003 DRAFTING REQUEST

Senate Amendment (SA-SA1-SSA1-SB214)

Received: 10/22/2003

Received By: rnelson2

Wanted: Today

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Paul O

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Criminal Law - guns and weapons

Extra Copies:

Submit via email: YES

Requester's email: paul.onsager@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Health care facility posting prohibiting signs.

Instructions:

See Attached

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>
/?	rnelson2 10/22/2003	kgilfoy 10/22/2003		_____			
/1			chaugen 10/22/2003	_____	Inorthro 10/22/2003	Inorthro 10/22/2003	

FE Sent For:

<END>

2003 DRAFTING REQUEST

Senate Amendment (SA-SA1-SSA1-SB214)

Received: 10/22/2003

Received By: rnelson2

Wanted: Today

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Paul O

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Criminal Law - guns and weapons

Extra Copies: Paul Onsager,
LFB

Submit via email: YES

Requester's email: paul.onsager@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Health care facility posting prohibiting signs.

Instructions:

See Attached

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<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/?	rnelson2	1 - 10/22 Kmg	OK 10-22	OK 10-22			

FE Sent For:

<END>

1408/1

Now

RPN *King*

**SENATE AMENDMENT ,
TO SENATE AMENDMENT (LRBa0896/3),
TO SENATE SUBSTITUTE AMENDMENT (LRBs0161/3),
TO 2003 SENATE BILL 214**

1

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

2 ✓ 1. Page 1, line 2: delete that line and substitute:

3 "1m. Page 12, line 25: after "(b)." insert "This paragraph does not limit the right
4 that a person may have under s. 943.13 (1m) (c) to prohibit a licensee or an
5 out-of-state licensee from entering or remaining in a church, synagogue, or any
6 building used for religious worship or another religious purpose; a building that is
7 used to provide child care services; a building that is used for a domestic violence
8 victim's service program or by a battered women's shelter or other organization that
9 provides a safe haven for victims of domestic violence; a building used by a health
10 care facility, as defined in s. 150.84 (2) ~~for any other private property~~ if the licensee

Handwritten signature and mark

1 or out-of-state licensee is carrying a concealed weapon. In this paragraph,
2 “building” includes a part of a building.”.”

3 (END)

SENATE SUBSTITUTE AMENDMENT 1
TO
SENATE BILL 214

Health Care Facilities

Motion:

Move to provide that while a licensee or an out-of-state licensee generally has the right to carry a concealed weapon anywhere in the state, this right does not limit the ability a person may have to prohibit a licensee or an out-of-state licensee from entering or remaining in a building used by a health care facility, other than hospitals, if an individual is provided notice which includes: (a) a posted sign that is located in a prominent place near the primary entrance precluding carrying concealed; and (b) personal and oral notification to the individual of the restriction.

Permits in gov't facilities

P/c to Paul

~~*Use same notice (eg 11 in square)*~~

Use a 1061 as base

MO#		
Darling	<input checked="" type="radio"/> Y	<input type="radio"/> N
Welch	<input checked="" type="radio"/> Y	<input type="radio"/> N
Fitzgrid	<input checked="" type="radio"/> Y	<input checked="" type="radio"/> N
Lazich	<input checked="" type="radio"/> Y	<input type="radio"/> N
Harsdorf	<input checked="" type="radio"/> Y	<input type="radio"/> N
Kanavas	<input checked="" type="radio"/> Y	<input type="radio"/> N
Decker	<input checked="" type="radio"/> Y	<input type="radio"/> N
Moore	<input type="radio"/> Y	<input checked="" type="radio"/> N
Kaufert	<input checked="" type="radio"/> Y	<input type="radio"/> N
Huebsch	<input checked="" type="radio"/> Y	<input type="radio"/> N
Ward	<input checked="" type="radio"/> Y	<input type="radio"/> N
Stone	<input checked="" type="radio"/> Y	<input type="radio"/> N
Rhoades	<input checked="" type="radio"/> Y	<input type="radio"/> N
Meyer	<input checked="" type="radio"/> Y	<input type="radio"/> N
Coggs	<input type="radio"/> Y	<input checked="" type="radio"/> N
Schooff	<input type="radio"/> Y	<input checked="" type="radio"/> N

12-3

AMENDMENT JACKET

21408
LRB NUMBER

DATE

SENATE AMENDMENT _____

to _____ amendment _____

to _____ sub. amdt. _____

TO _____ BILL _____

DO NOT WRITE IN THE SHADED AREA

Offered by Senator (s) _____

Offered by (Joint) Committee on _____

To introduce this amendment: submit this amendment jacket, signed by the amendment authors, and all attached copies to the Senate Journal and Records Section, Room 402, One East Main, or to a member of the Chief Clerk's staff at the front desk in the Senate Chambers.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa1408/1
RPN&MGD:kmg:ch

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

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

2 **1.** Page 1, line 2: delete that line and substitute:

3 **“1m.** Page 12, line 25: after “(b).” insert “This paragraph does not limit the right
4 that a person may have under s. 943.13 (1m) (c) to prohibit a licensee or an
5 out-of-state licensee from entering or remaining in a building used by a health care
6 facility, as defined in s. 150.84 (2), if the licensee or out-of-state licensee is carrying
7 a concealed weapon. In this paragraph, “building” includes a part of a building.”.”.

8 (END)

2003 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB214)

Received: **10/22/2003**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Paul Onsager**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters: **rnelson2**

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

Extra Copies:

Submit via email: **YES**

Requester's email: **paul.onsager@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibit carrying in buildings used for religion, child care, domestic violence services, hospitals, and universities--but may allow individually

Instructions:

See Attached

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>
/?	chanaman 10/22/2003	kgilfoy 10/22/2003		_____			
/1			pgreensl 10/22/2003	_____	sbasford 10/22/2003	sbasford 10/22/2003	

FE Sent For:

<END>

2003 DRAFTING REQUEST

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1?	chanaman	11-10/22 KMG	10/22 pl	10/22 ps/96			

FE Sent For:

<END>

Representative Kaufert
Senator Darling
Senator Harsdorf

SENATE SUBSTITUTE AMENDMENT 1
TO
SENATE BILL 214
Places of Worship

01251

Motion:

Move to provide that neither a licensee nor an out-of-state licensee may knowingly carry a concealed weapon in a church, synagogue or any other building used for religious worship or another religious purpose. Further, provide that a place of worship may elect to opt out of this exemption and permit licensees or ~~non~~-licensees to carry concealed weapons on the premises.

out-of-state

Note:

The posting and personal notification requirements otherwise applicable to non-residential buildings would not apply to this prohibition.

MO#		
Darling	<input checked="" type="radio"/>	N
Welch	<input checked="" type="radio"/>	N
Fitzgrid	<input checked="" type="radio"/>	N
Lazich	<input checked="" type="radio"/>	N
Harsdorf	<input checked="" type="radio"/>	N
Kanavas	<input checked="" type="radio"/>	N
Decker	<input checked="" type="radio"/>	N
Moore	Y	<input checked="" type="radio"/>
Kaufert	<input checked="" type="radio"/>	N
Huebsch	<input checked="" type="radio"/>	N
Ward	<input checked="" type="radio"/>	N
Stone	<input checked="" type="radio"/>	N
Rhoades	<input checked="" type="radio"/>	N
Meyer	<input checked="" type="radio"/>	<input checked="" type="radio"/>
Coggs	Y	<input checked="" type="radio"/>
Schooff	Y	<input checked="" type="radio"/>

12-3

Senator Darling
Senator Harsdorf
Representative Rhoades

SENATE SUBSTITUTE AMENDMENT 1
TO
SENATE BILL 214
Child Care Facilities

Motion:

Move to provide that neither a licensee nor an out-of-state licensee may knowingly carry a concealed weapon in a building that is used to provide child care services. Further, provide that a facility that provides child care services may elect to opt out of this exemption and permit licensees or ~~non~~-licensees to carry concealed weapons on the premises.

out-of-state

unanimous consent

Note:

The posting and personal notification requirements otherwise applicable to non-residential buildings would not apply to this prohibition.

MO#		
Darling	(Y)	N
Welch	(Y)	N
Fitzgrld	(Y)	N
Lazich	(X)	N
Harsdorf	(X)	N
Kanavas	(X)	N
Decker	(Y)	N
Moore	Y	(N)
Kaufert	(Y)	N
Huebsch	(X)	N
Ward	(X)	N
Stone	(X)	N
Rhoades	(X)	N
Meyer	(Y)	N
Coggs	Y	(N)
Schooff	Y	(N)

Harsdorf
Rhoades

13-3

Representative Kaufert
Senator Darling
Senator Harsdorf

SENATE SUBSTITUTE AMENDMENT 1
TO
SENATE BILL 214

Domestic Violence Shelters

Motion:

Move to provide that neither a licensee nor an out-of-state licensee may knowingly carry a concealed weapon in a building that is used for a domestic victims service program or by a battered womens shelter or other organization that provides a safe haven for victims of domestic violence. Further, provide that these shelters may elect to opt out of this exemption and permit licensees or non-licensees to carry concealed weapons on the premises.

out-of-state

Note:

The posting and personal notification requirements otherwise applicable to non-residential buildings would not apply to this prohibition.

Remove knowingly

MO#	
Darling	Y
Welch	Y
Fitzgrid	Y
Lazich	Y
Harsdorf	Y
Kanavas	Y
Decker	Y
Moore	Y
Kaufert	Y
Huebsch	Y
Ward	Y
Stone	Y
Rhoades	Y
Meyer	Y
Coggs	Y
Schooff	Y

Pocan / Skilling
3-13

MO#	
Darling	Y
Welch	Y
Fitzgrid	Y
Lazich	Y
Harsdorf	Y
Kanavas	Y
Decker	Y
Moore	Y
Kaufert	Y
Huebsch	Y
Ward	Y
Stone	Y
Rhoades	Y
Meyer	Y
Coggs	Y
Schooff	Y

13-3

Senator Darling
 Senator Harsdorf
 Representative Rhoades

SENATE SUBSTITUTE AMENDMENT 1
 TO
 SENATE BILL 214

Hospitals

Motion:

Move to provide that neither a licensee nor an out-of-state licensee may knowingly carry a concealed weapon in a hospital. Further, provide that a hospital may elect to opt out of this exemption and permit licensees or non-licensees to carry concealed weapons on the premises.

out-of-state

Note:

The posting and personal notification requirements otherwise applicable to non-residential buildings would not apply to this prohibition.

add health-care facilities

MO#		
Darling	Y	N
Welch	Y	N
Fitzgrid	Y	N
Lazich	Y	N
Harsdorf	Y	N
Kanavas	Y	N
Decker	Y	N
Moore	Y	N
Kaufert	Y	N
Huebsch	Y	N
Ward	Y	N
Stone	Y	N
Rhoades	Y	N
Meyer	Y	N
Coggs	Y	N
Schooff	Y	N

4-12

MO#		
Darling	Y	N
Welch	Y	N
Fitzgrid	Y	N
Lazich	Y	N
Harsdorf	Y	N
Kanavas	Y	N
Decker	Y	N
Moore	Y	N
Kaufert	Y	N
Huebsch	Y	N
Ward	Y	N
Stone	Y	N
Rhoades	Y	N
Meyer	Y	N
Coggs	Y	N
Schooff	Y	N

13-3

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

Amend the substitute amendment as follows:

Page 31, line 23: after that line insert:

“10. Any building located on the campus of a public or private university, college, or technical college.

11. Any portion of a building used for instructional purposes by a public or private university, college, or technical college.”

(END)

MO#		
Darling	<input checked="" type="radio"/>	N
Welch	<input checked="" type="radio"/>	N
Fitzgrid	<input checked="" type="radio"/>	N
Lazich	<input checked="" type="radio"/>	N
Harsdorf	<input checked="" type="radio"/>	N
Kanavas	<input checked="" type="radio"/>	N
Decker	<input checked="" type="radio"/>	N
Moore	<input checked="" type="radio"/>	N
Kaufert	<input checked="" type="radio"/>	N
Huebsch	<input checked="" type="radio"/>	N
Ward	<input checked="" type="radio"/>	N
Stone	<input checked="" type="radio"/>	N
Rhoades	<input checked="" type="radio"/>	N
Meyer	<input checked="" type="radio"/>	N
Coggs	<input checked="" type="radio"/>	N
Schooff	<input checked="" type="radio"/>	N

16-0

a1399/1

12-80
if possible

King
RPN

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

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

2 1. Page 31, line 23: after that line insert:

3 "10. A building or part of a building used for religious worship or another
4 religious purpose.

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

6 12. A building or part of a building that is used for a domestic violence victim
7 service program or by an organization that provides a safe haven for victims of
8 domestic violence. facility named as a hospital under s. 50.35.

9 13. A building or part of a building used by a health care facility, as defined in

10 ~~13. A building or part of a building used by a health care facility, as defined in~~

11 (END)

INS
1-11

④ 14. A building located on the campus of a private or public university, college, or technical college.
④ 15. A building or part of a building used for instructional purposes by a private or public university, college, or technical college.

INS 1-11

text
treat

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

END OF INSERT

NOTE

UBA 1399/dw
cm# : kmg:

This amendment combines motions # 875, 876, 877, ^{811,} and 878.

CMH

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1399/1dn
CMH:kmg:pg

October 22, 2003

This amendment combines motions #811, 875, 876, 877, and 878 .

Cathlene Hanaman
Legislative Attorney
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.state.wi.us

AMENDMENT JACKET

a 1399

DATE _____

LRB NUMBER

SENATE AMENDMENT _____

to _____ amendment _____

to _____ sub. amdt. _____

TO _____ BILL _____

DO NOT WRITE IN THE SHADED AREA

Offered by Senator (s) _____

Offered by (Joint) Committee on _____

To introduce this amendment: submit this amendment jacket, signed by the amendment authors, and all attached copies to the Senate Journal and Records Section, Room 402, One East Main, or to a member of the Chief Clerk's staff at the front desk in the Senate Chambers.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa1399/1
CMH&RPN:kmg:pg

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

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

2 **1.** Page 31, line 23: after that line insert:

3 "10. A building or part of a building used for religious worship or another
4 religious purpose.

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

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

9 13. A facility licensed as a hospital under s. 50.35.

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

2003 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB214)

Received: **10/17/2003**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing:

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - guns and weapons
Mental Health - detent/commit**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

DOJ access to records of involuntary commitments

Instructions:

Give DOJ ability to get records for concealed weapons licenses and under s. 175.35; require it to promulgate rules; 4 month delay

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 10/22/2003	kgilfoy 10/22/2003		_____			
/1			rschlue 10/22/2003	_____	lemery 10/22/2003	lemery 10/22/2003	
/2	rchampag 10/22/2003 mdsida 10/22/2003	kgilfoy 10/22/2003 kgilfoy 10/22/2003	jfrantze 10/22/2003	_____	sbasford 10/22/2003	sbasford 10/22/2003	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3			jfrantze 10/22/2003	_____	Inorthro 10/22/2003	Inorthro 10/22/2003	

FE Sent For:

<END>

2003 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB214)

Received: 10/17/2003

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing:

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Criminal Law - guns and weapons
Mental Health - detent/commit

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

DOJ access to records of involuntary commitments

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 10/22/2003	kgilfoy 10/22/2003		_____			
/1			rschluet 10/22/2003	_____	lemery 10/22/2003	lemery 10/22/2003	
/2	rchampag 10/22/2003	kgilfoy 10/22/2003	jfrantze 10/22/2003	_____	sbasford 10/22/2003	sbasford 10/22/2003	

FE Sent For:

13-10/22
KMG
to 10/22
Self
10/22

<END>

2003 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB214)

Received: 10/17/2003

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing:

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Criminal Law - guns and weapons
Mental Health - detent/commit

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

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Instructions:

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Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 10/22/2003	kgilfoy 10/22/2003		_____			
/1		12-10/22 kmg	rschluet 10/22/2003	_____	lemery 10/22/2003	lemery 10/22/2003	
FE Sent For:			Jo 10/22	_____			

<END>

2003 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB214)

Received: 10/17/2003

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing:

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Criminal Law - guns and weapons
Mental Health - detent/commit

Extra Copies: KMG

Submit via email: NO

Pre Topic:

No specific pre topic given

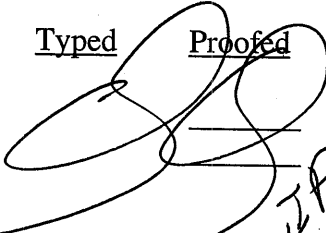
Topic:

DOJ access to records of involuntary commitments

Instructions:

Give DOJ ability to get records for concealed weapons licenses and under s. 175.35; require it to promulgate rules; 4 month delay

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 10/22/2003	lrb_editor 11-19/22 KMG					
FE Sent For:							

10-22-3
<END>

SENATE SUBSTITUTE AMENDMENT 1
TO
SENATE BILL 214

Justice Access to Mental Health Information
Regarding License Applicants and Handgun Purchases

Motion:

Move to require Justice to promulgate emergency rules to authorize it to obtain information regarding mental health disqualifying events for use in conducting a background check for a license applicant. Further, require that firearms restrictions record searches conducted for handgun purchasers include a search to determine whether the person has been found, in an involuntary commitment proceeding by a court to: (1) be a danger to himself or herself or to others; (2) lack the mental capacity to contract or manage his or her own affairs; (3) have been committed for inpatient treatment in a mental health facility; or (4) have been committed under the "fifth standard" for mental health commitments. Further, require that the search be conducted with respect to proceedings based on subnormal intelligence or mental illness, incompetency, condition, or disease. Further, require Justice to promulgate emergency rules specifying how it is to conduct the search required under this motion for handgun purchases.

MO#		
Darling	<input checked="" type="radio"/>	N
Weich	<input checked="" type="radio"/>	N
Fitzgrld	<input checked="" type="radio"/>	N
Lazich	<input checked="" type="radio"/>	N
Harsdorf	<input checked="" type="radio"/>	N
Kanavas	<input checked="" type="radio"/>	N
Decker	<input checked="" type="radio"/>	N
Moore	<input checked="" type="radio"/>	N
Kaufert	<input checked="" type="radio"/>	N
Huebsch	<input checked="" type="radio"/>	N
Ward	<input checked="" type="radio"/>	N
Stone	<input checked="" type="radio"/>	N
Rhoades	<input checked="" type="radio"/>	N
Meyer	<input checked="" type="radio"/>	N
Coggs	<input checked="" type="radio"/>	N
Schooff	<input checked="" type="radio"/>	N

15-0

Dsida, Michael

From: Dsida, Michael
Sent: Sunday, October 19, 2003 5:28 PM
To: Bruhn, Mike; Seitz, Robert
Subject: RE: Federal law regarding mental illness and CCW bill

Requiring DOJ's background checks for handgun purchases to cover mental health commitments only addresses part of the problem. You also need to incorporate the mental health criteria into s. 941.29 for the background check changes to be relevant. But as I noted in the email below, the federal provisions are lifetime bans. If you incorporate them into s. 941.29, that would override the 5-year limit on the mental health ineligibility provisions in your bill, given the fact that a licensee has to be eligible to possess a firearm under s. 941.29. Is that your intent?

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

From: Dsida, Michael
Sent: Friday, October 03, 2003 11:05 AM
To: Bruhn, Mike; Seitz, Robert
Cc: Onsager, Paul
Subject: Federal law regarding mental illness and CCW bill

Here's another issue that Paul Onsager has noted. Because the bill incorporates the federal standard for possession of a firearm, a person is ineligible for a license if he or she "has been adjudicated as a mental defective." Under the relevant federal regulation, that provision means a "determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease: (1) ~~is~~ ^{be} a danger to himself or to others; ~~or~~ (2) lacks the mental capacity to contract or manage his own affairs." It also covers a "finding of insanity by a court in a criminal case" and a finding that a person is "incompetent to stand trial or ... not guilty by reason of lack of mental responsibility." 27 C.F.R. 478.11.

Other ineligibility standards listed in s. 175.50 (3) appear to be swallowed up by the federal prohibition. The clearest case involves par. (k), which relates to a person being found incompetent to stand trial. Paragraphs (i), (im), and (L) are probably also covered (although there may be some question under par. (i) regarding a finding under s. 880.33 (4m) that a person is "not competent" to refuse medication).

The overlap alone, however, is not the problem. What concerns me is the 5-year limitation imposed with respect to all of the individual standards in sub. (3) (i) to (L). The permanent ban that federal law imposes may trump these individual provisions, making them irrelevant. But a court might also construe the more specific provisions as trumping the more general provision invoking federal law.

I'm sorry I didn't raise this question with you earlier, but as I've noted before, I never thought that I needed to question every single provision in the bill on which last session's draft was based. (By the way, you may remember that a similar - but less politically charged - issue came up last session with respect to dishonorable discharges. You addressed that one by having me remove the specific dishonorable discharge standard, since it was already covered by federal law.) I recognize that revising the sub at this point to address this issue may present some political problems for you, but if you want me to make any changes, please let me know.

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

Dsida, Michael

From: Dsida, Michael
Sent: Wednesday, October 22, 2003 11:23 AM
To: Onsager, Paul
Cc: Bruhn, Mike; Seitz, Robert
Subject: 5th standard

FYI - I will not need a specific reference to the 5th standard after all because I am using a cross-reference that covers it.

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

SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT (LRBS016113),
TO 2003 SENATE BILL 214

Now

INS 1/1 ✓

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

2 ~~1.~~ **1.** Page 7, line 17: delete "a. or c."

3 ~~2.~~ **2.** Page 9, line 18: delete lines 18 to 21 and substitute:

4 " (ac) "Background check" means a search of department and court records
5 conducted under sub. (9g) to determine a person's eligibility for a license to carry a
6 concealed weapon."

7 **3.** Page 18, line 13: after "color" insert "and a list of counties in this state in
8 which the person has ever resided".

9 **4.** Page 19, line 20: after that line insert:

10 "(f) For each county in this state in which the applicant has resided, a consent
11 for release of information that permits the release of records from the appropriate

1 court for that county regarding delinquency adjudication or any involuntary
2 commitment of the applicant based on alcohol or other drug dependency, mental
3 illness, developmental disability, or incompetence. The department shall design a
4 consent for release of information form and make the forms available to each sheriff
5 who issues licenses under this section.”.

6 **5.** Page 20, line 12: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
7 (j).”.

8 **6.** Page 20, line 13: delete lines 13 to 16 and substitute:
9 “(9g) BACKGROUND CHECK. (a) A sheriff shall ask the department to conduct a
10 background check by sending the department a duplicate copy of an application
11 submitted under sub. (7) (a) and an original copy of each consent for release of
12 information submitted under sub. (7) (f).”.

13 **7.** Page 20, line 24: after “system.” insert “Using the consents for release of
14 information provided under sub. (7) (f), the department shall also ask the
15 appropriate court for each county in which the applicant has resided to inform the
16 department of any involuntary commitment of the applicant based on alcohol or
17 other drug dependency within the past 3 years and any involuntary commitment of
18 the applicant based on mental illness, developmental disability, or incompetence.”.

19 **8.** Page 21, line 1: delete lines 1 to 3 and substitute:
20 “3. As soon as practicable, the department shall notify the sheriff of the results
21 of the background check as follows:”.

22 **9.** Page 21, line 5: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
23 (j).”.

1 ✓ **10.** Page 21, line 8: delete "(f), (g) 2. or 3.," and substitute "(e), (f), (g), (i), (im),
2 (j)."

3 ✓ **11.** Page 21, line 10: delete "(f), (g) 2. or 3.," and substitute "(e), (f), (g), (i), (im),
4 (j)."

5 **12.** Page 21, line 20: after that line insert:
6 "d. If a sheriff issues a license under sub. (9) (b) 1. before the background check
7 is complete, the department shall make all reasonable efforts to complete it promptly
8 and shall notify the sheriff of the results of the department's efforts as soon as
9 practicable. If the results indicate that the applicant was not eligible for a license
10 when he or she applied, the sheriff shall revoke the license.

11 e. The department shall destroy all records regarding a background check
12 within 30 days after completing it if nothing in the background check indicates that
13 the applicant is not qualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im),
14 (j), (k), (L), (m), (n), (o), or (r). "

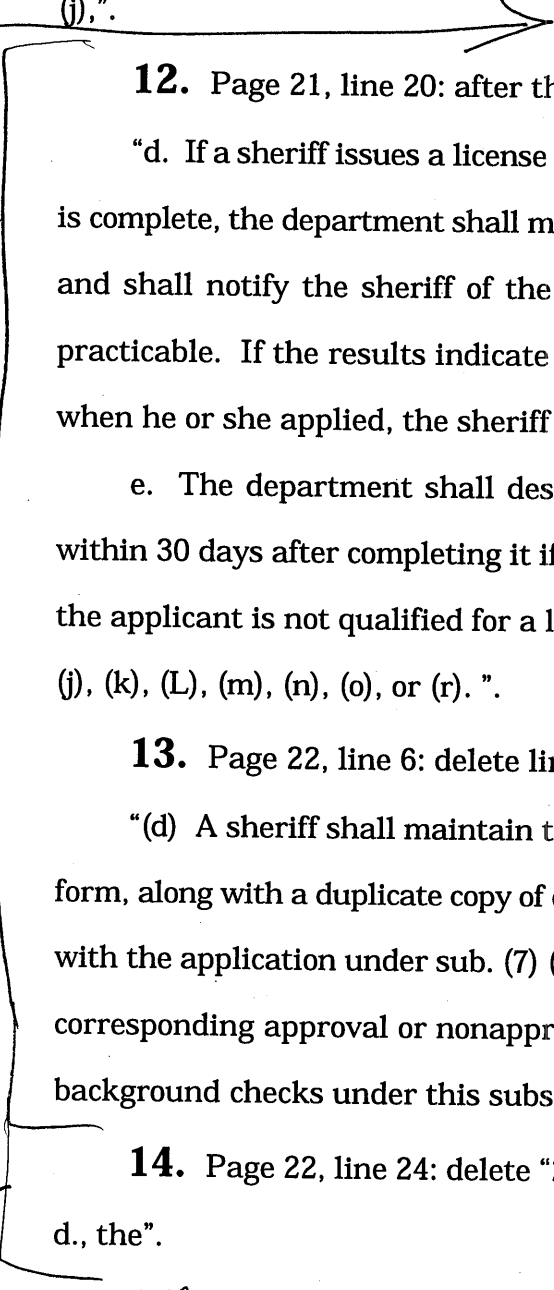
15 **13.** Page 22, line 6: delete lines 6 to 23 and substitute:
16 "(d) A sheriff shall maintain the original record of each completed application
17 form, along with a duplicate copy of each consent for release of information submitted
18 with the application under sub. (7) (f), and a record of all confirmation numbers and
19 corresponding approval or nonapproval numbers that he or she receives regarding
20 background checks under this subsection."

21 **14.** Page 22, line 24: delete "2. The" and substitute "(e) Subject to par. (b) 3.
22 d., the".

23 **15.** Page 23, line 2: after "subsection" insert "and sub. (9r)"

24 ✓ **16.** Page 23, line 3: after that line insert:

INS
3/4



~~INS~~ INS 4/1

1 “(f) ~~The department of justice~~ ^{rules issued under} may not disclose information that it obtains
 2 under ~~this subsection through the use of a consent for release of information provided~~
 3 by an applicant under sub. ~~(7) (f)~~ ^{paragraph} except to a sheriff under par. (b) 3. or sub. (9r) (b)
 4 2.”.

5 **17.** Page 23, line 10: after “immediate” insert “firearms restrictions record
 6 search, as defined in s. 175.35 (1) (at), by calling the department, using a toll-free
 7 telephone number provided by the department, and providing the department with
 8 the name, date of birth, gender, and race of the applicant. The sheriff shall also
 9 request a complete”.

10 ✓ **18.** Page 23, line 16: delete “(f), (g) 2. or 3.” and substitute “(e), (f), (g), (i), (im),
 11 (j).”.

12 **19.** Page 23, line 24: after that line insert:
 13 “(e) The department shall establish a procedure by rule for conducting firearms
 14 restrictions record searches under par. (a) and for notifying sheriffs of search
 15 results.”.

16 **20.** Page 29, line 15: delete “(9g)”.

17 **21.** Page 29, line 16: delete “(e) 1. or”.

18 **22.** Page 36, line 5: delete “a. or c.”.

19 **23.** Page 36, line 18: delete “a. or c.”.

20 **24.** Page 37, line 7: delete “a. or c.”.

21 **25.** Page 37, line 17: delete “a. or c.”.

22 **26.** Page 37, line 18: delete lines 18 to 24.

1

27. Page 38, line 1: delete lines 1 to 10.

2

(END)

INS 5/1

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1282/lins
MGD:.....

INSERT 1/1

✓ 1. Page 1, line 9: after "weapon," insert "background checks for handgun purchases,".

✓ 2. Page 1, line 10: after "authority" insert "providing an exemption from rule-making authority,".

✓ 3. Page 8, line 7: after "and 3." insert "and under rules that the department of justice promulgates under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f)".

✓ 4. Page 8, line 10: delete lines 10 to 14 and substitute:
"SECTION 10m. 55.06 (17) (d) of the statutes is created to read:
55.06 (17) (d) Notwithstanding par. (a), information from records described in par. (a) may be disclosed under rules that the department of justice promulgates under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f)."

→ "SECTION 14d. 175.35 (1) (am) of the statutes is created to read:

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

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

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

#. Page 9,
line 14:
after
that
line
insert:

SECTION 14f. 175.35 (1) (at) of the statutes is amended to read:

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

History: 1975 c. 167; 1991 a. 11; 1993 a. 16, 195, 196; 1995 a. 71, 77, 159, 306.

SECTION 14h. 175.35 (2) (d) of the statutes is amended to read:

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

History: 1975 c. 167; 1991 a. 11; 1993 a. 16, 195, 196; 1995 a. 71, 77, 159, 306.

SECTION 14j. 175.35 (2g) (c) 4. a. and b. of the statutes are amended to read:

(175.35 (2g) (c) 4.
a. If the search ^(B) indicates that the transferee is prohibited from possessing a firearm under s. 941.29 or, based on a disqualifying mental health adjudication,

under federal law, the department shall provide the firearms dealer with a unique nonapproval number. The department may not disclose to the firearms dealer the reason the transferee is prohibited from possessing a firearm ~~under s. 941.29~~.

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

History: 1975 c. 167; 1991 a. 11; 1993 a. 16, 195, 196; 1995 a. 71, 77, 159, 306.

SECTION 14m. 175.35 (2k) (ar) 2. of the statutes is amended to read:

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

History: 1975 c. 167; 1991 a. 11; 1993 a. 16, 195, 196; 1995 a. 71, 77, 159, 306.

INSERT 3/4

✓ **5.** Page 22, line 16: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im), (j),”.

✓ **6.** Page 22, line 21: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im), (j),”.

✓ **INSERT 4/1**

Not

The department shall promulgate rules authorizing it to obtain records necessary to determine an applicant's eligibility under sub. (3) (e), (g) 1., (i), (im), and (j) for a license issued under this section.

INSERT 5/1

7. Page 41, line 14: after that line insert:

"SECTION 39a. Nonstatutory provisions.

(1) Using the procedure under section 227.24 of the statutes, the department of justice shall promulgate rules required under section 175.35 (2g) (c) 3. of the statutes and under section 175.50 (9g) (f) of the statutes, as created by this act, for the period before the effective date of the permanent rule promulgated under those sections, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of an emergency for a rule promulgated under this subsection."

1282

P/c From Paul Orszag

Asked why bkground ✓ for
175.50 includes drugs.

Told him that's what was requested,

(I didn't write it up in motion that
way)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa1282/1 2
MGD:kmg:rs

Now



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

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 1. Page 1, line 9: after "weapon," insert "background checks for handgun
- 3 purchases,".
- 4 2. Page 1, line 10: after "authority," insert "providing an exemption from
- 5 rule-making authority,".
- 6 3. Page 8, line 7: after "and 3." insert "and under rules that the department
- 7 of justice promulgates under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f)".
- 8 4. Page 8, line 10: delete lines 10 to 14 and substitute:
- 9 "SECTION 10m. 55.06 (17) (d) of the statutes is created to read:

1 55.06 (17) (d) Notwithstanding par. (a), information from records described in
2 par. (a) may be disclosed under rules that the department of justice promulgates
3 under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f).”

4 **5.** Page 9, line 14: after that line insert:

5 **“SECTION 14d.** 175.35 (1) (am) of the statutes is created to read:

6 175.35 (1) (am) “Disqualifying mental health adjudication” means one of the
7 following events if it occurs in a proceeding that was not commenced by the person
8 who is the subject of the proceeding and if it is based on the person having markedly
9 subnormal intelligence or the person’s mental illness, incompetency, condition, or
10 disease:

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

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

16 **SECTION 14f.** 175.35 (1) (at) of the statutes is amended to read:

17 175.35 (1) (at) “Firearms restrictions record search” means a search of
18 department of justice records to determine whether a person seeking to purchase a
19 handgun is prohibited from possessing a firearm under s. 941.29 [✓] or, based on a
20 disqualifying mental health adjudication, ~~under federal law~~ [✓] “Firearms restriction
21 record search” includes a criminal history record search, a search to determine
22 whether a person is prohibited from possessing a firearm under s. 51.20 (13) (cv), a
23 search to determine whether the person is subject to an injunction under s. 813.12
24 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court

1 established by any federally recognized Wisconsin Indian tribe or band, except the
2 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he
3 or she is subject to the requirements and penalties under s. 941.29 and that has been
4 filed with the circuit court under s. 806.247 (3), and a search to determine whether
5 the person is prohibited from possessing a firearm under s. 813.125 (4m).

6 **SECTION 14h.** 175.35 (2) (d) of the statutes is amended to read:

7 175.35 (2) (d) Forty-eight hours, subject to extension under sub. (2g) (c) 4. c.,
8 have elapsed from the time that the firearms dealer has received a confirmation
9 number regarding the firearms restrictions record search under sub. (2g) (c) from the
10 department of justice and the firearms dealer has not been notified that the transfer
11 would be in violation of s. 941.29 or based on a disqualifying mental health
12 adjudication under federal law. *that the transferee would be prohibited to*

13 **SECTION 14j.** 175.35 (2g) (c) 4. a. and b. of the statutes are amended to read:

14 175.35 (2g) (c) 4. a. If the search indicates that the transferee is prohibited from
15 possessing a firearm under s. 941.29 or based on a disqualifying mental health
16 adjudication under federal law, the department shall provide the firearms dealer
17 with a unique nonapproval number. The department may not disclose to the
18 firearms dealer the reason the transferee is prohibited from possessing a firearm
19 under s. 941.29. *prohibited from possessing a firearm*

20 b. If the search indicates that the transferee is not prohibited from possessing
21 a firearm under s. 941.29 or based on a disqualifying mental health adjudication
22 under federal law, the department shall provide the firearms dealer with a unique
23 approval number.

24 **SECTION 14m.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

1 175.35 (2k) (ar) 2. Check each duplicate notification form received under sub.
2 (2j) against the information recorded by the department regarding the corresponding
3 request for a firearms restrictions record search under sub. (2g). If the department
4 previously provided a unique approval number regarding the request and nothing
5 in the duplicate completed notification form indicates that the transferee is
6 prohibited from possessing a firearm under s. 941.29 or based on a disqualifying
7 mental health adjudication under federal law, the department shall destroy all
8 records regarding that firearms restrictions record search within 30 days after
9 receiving the duplicate form.”

10 **6.** Page 9, line 18: delete lines 18 to 21 and substitute:

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

14 **7.** Page 20, line 12: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
15 (j).”.

16 **8.** Page 21, line 5: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
17 (j).”.

18 **9.** Page 21, line 8: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
19 (j).”.

20 **10.** Page 21, line 10: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
21 (j).”.

22 **11.** Page 22, line 16: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
23 (j).”.

1 **12.** Page 22, line 21: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
2 (j).”.

3 **13.** Page 23, line 3: after that line insert:

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

9 **14.** Page 23, line 16: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
10 (j).”.

11 **15.** Page 41, line 14: after that line insert:

12 “**SECTION 39k. Nonstatutory provisions.**

13 (1z) Using the procedure under section 227.24 of the statutes, the department
14 of justice shall promulgate rules required under section 175.35 (2g) (c) 3. of the
15 statutes and under section 175.50 (9g) (f) of the statutes, as created by this act, for
16 the period before the effective date of the permanent rules promulgated under those
17 sections, but not to exceed the period authorized under section 227.24 (1) (c) and (2)
18 of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes,
19 the department is not required to provide evidence that promulgating a rule under
20 this subsection as an emergency rule is necessary for the preservation of public
21 peace, health, safety, or welfare and is not required to provide a finding of an
22 emergency for a rule promulgated under this subsection.”.

23

(END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa1282/0
MGD:kmg:jf

Now

RM NR

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

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

2 1. Page 1, line 9: after "weapon," insert "background checks for handgun
3 purchases,".

4 2. Page 1, line 10: after "authority," insert "providing an exemption from
5 rule-making authority,".

6 3. Page 8, line 7: after "and 3." insert "and under rules that the department
7 of justice promulgates under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f)".

8 4. Page 8, line 10: delete lines 10 to 14 and substitute:

9 "SECTION 10m. 55.06 (17) (d) of the statutes is created to read:

1 55.06 (17) (d) Notwithstanding par. (a), information from records described in
2 par. (a) may be disclosed under rules that the department of justice promulgates
3 under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f).”

4 **5.** Page 9, line 14: after that line insert:

5 “**SECTION 14d.** 175.35 (1) (am) of the statutes is created to read:

6 175.35 (1) (am) “Disqualifying mental health adjudication” means one of the
7 following events if it occurs in a proceeding that was not commenced by the person
8 who is the subject of the proceeding and if it is based on the person having markedly
9 subnormal intelligence or the person’s mental illness, incompetency, condition, or
10 disease:

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

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

16 **SECTION 14f.** 175.35 (1) (at) of the statutes is amended to read:

17 175.35 (1) (at) “Firearms restrictions record search” means a search of
18 department of justice records to determine whether a person seeking to purchase a
19 handgun is prohibited from possessing a firearm under s. 941.29 or based on a
20 disqualifying mental health adjudication. “Firearms restriction record search”
21 includes a criminal history record search, a search to determine whether a person is
22 prohibited from possessing a firearm under s. 51.20 (13) (cv), a search to determine
23 whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal
24 injunction, as defined in s. 813.12 (1) (e), issued by a court established by any

1 federally recognized Wisconsin Indian tribe or band, except the Menominee Indian
2 tribe of Wisconsin, that includes notice to the respondent that he or she is subject to
3 the requirements and penalties under s. 941.29 and that has been filed with the
4 circuit court under s. 806.247 (3), and a search to determine whether the person is
5 prohibited from possessing a firearm under s. 813.125 (4m).

6 **SECTION 14h.** 175.35 (2) (d) of the statutes is amended to read:

7 175.35 (2) (d) Forty-eight hours, subject to extension under sub. (2g) (c) 4. c.,
8 have elapsed from the time that the firearms dealer has received a confirmation
9 number regarding the firearms restrictions record search under sub. (2g) (c) from the
10 department of justice and the firearms dealer has not been notified that the transfer
11 would be in violation of s. 941.29 or that the transferee would be prohibited from
12 possessing a firearm based on a disqualifying mental health adjudication.

13 **SECTION 14j.** 175.35 (2g) (c) 4. a. and b. of the statutes are amended to read:

14 175.35 (2g) (c) 4. a. If the search indicates that the transferee is prohibited from
15 possessing a firearm under s. 941.29 or based on a disqualifying mental health
16 adjudication, the department shall provide the firearms dealer with a unique
17 nonapproval number. The department may not disclose to the firearms dealer the
18 reason the transferee is prohibited from possessing a firearm ~~under s. 941.29.~~

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

22 **SECTION 14m.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

23 175.35 (2k) (ar) 2. Check each duplicate notification form received under sub.
24 (2j) against the information recorded by the department regarding the corresponding
25 request for a firearms restrictions record search under sub. (2g). If the department

1 previously provided a unique approval number regarding the request and nothing
2 in the duplicate completed notification form indicates that the transferee is
3 prohibited from possessing a firearm under s. 941.29 or based on a disqualifying
4 mental health adjudication, the department shall destroy all records regarding that
5 firearms restrictions record search within 30 days after receiving the duplicate
6 form.”.

7 **6.** Page 9, line 18: delete lines 18 to 21 and substitute:

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

11 **7.** Page 20, line 12: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
12 (j).”.

13 **8.** Page 21, line 5: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
14 (j).”.

15 **9.** Page 21, line 8: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
16 (j).”.

17 **10.** Page 21, line 10: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
18 (j).”.

19 **11.** Page 22, line 16: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
20 (j).”.

21 **12.** Page 22, line 21: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
22 (j).”.

23 **13.** Page 23, line 3: after that line insert:

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

6 **14.** Page 23, line 16: delete “(f), (g) 2. or 3.” and substitute “(e), (f), (g), (i), (im),
7 (j).”

8 **15.** Page 41, line 14: after that line insert:

9 **“SECTION 39k. Nonstatutory provisions.**

10 (1z) Using the procedure under section 227.24 of the statutes, the department
11 of justice shall promulgate rules required under section 175.35 (2g) (c) 3. of the
12 statutes and under section 175.50 (9g) (f) of the statutes, as created by this act, for
13 the period before the effective date of the permanent rules promulgated under those
14 sections, but not to exceed the period authorized under section 227.24 (1) (c) and (2)
15 of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes,
16 the department is not required to provide evidence that promulgating a rule under
17 this subsection as an emergency rule is necessary for the preservation of public
18 peace, health, safety, or welfare and is not required to provide a finding of an
19 emergency for a rule promulgated under this subsection.”

20 (END)

AMENDMENT JACKET

01282
LRB NUMBER

DATE

SENATE AMENDMENT _____

to _____ amendment _____

to _____ sub. amdt. _____

TO _____ BILL _____

DO NOT WRITE IN THE SHADED AREA

Offered by Senator (s) _____

Offered by (Joint) Committee on _____

To introduce this amendment: submit this amendment jacket, signed by the amendment authors, and all attached copies to the Senate Journal and Records Section, Room 402, One East Main, or to a member of the Chief Clerk's staff at the front desk in the Senate Chambers.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa1282/3
MGD:kmg:jf

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

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 1, line 9: after “weapon,” insert “background checks for handgun
- 3 purchases,”.
- 4 **2.** Page 1, line 10: after “authority,” insert “providing an exemption from
- 5 rule-making authority,”.
- 6 **3.** Page 8, line 7: after “and 3.” insert “and under rules that the department
- 7 of justice promulgates under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f)”.
- 8 **4.** Page 8, line 10: delete lines 10 to 14 and substitute:
- 9 “**SECTION 10m.** 55.06 (17) (d) of the statutes is created to read:

1 55.06 (17) (d) Notwithstanding par. (a), information from records described in
2 par. (a) may be disclosed under rules that the department of justice promulgates
3 under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f).”

4 **5.** Page 9, line 14: after that line insert:

5 “**SECTION 14d.** 175.35 (1) (am) of the statutes is created to read:

6 175.35 (1) (am) “Disqualifying mental health adjudication” means one of the
7 following events if it occurs in a proceeding that was not commenced by the person
8 who is the subject of the proceeding and if it is based on the person having markedly
9 subnormal intelligence or the person’s mental illness, incompetency, condition, or
10 disease:

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

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

16 **SECTION 14f.** 175.35 (1) (at) of the statutes is amended to read:

17 175.35 (1) (at) “Firearms restrictions record search” means a search of
18 department of justice records to determine whether a person seeking to purchase a
19 handgun is prohibited from possessing a firearm under s. 941.29 or based on a
20 disqualifying mental health adjudication. “Firearms restriction record search”
21 includes a criminal history record search, a search to determine whether a person is
22 prohibited from possessing a firearm under s. 51.20 (13) (cv), a search to determine
23 whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal
24 injunction, as defined in s. 813.12 (1) (e), issued by a court established by any

1 federally recognized Wisconsin Indian tribe or band, except the Menominee Indian
2 tribe of Wisconsin, that includes notice to the respondent that he or she is subject to
3 the requirements and penalties under s. 941.29 and that has been filed with the
4 circuit court under s. 806.247 (3), and a search to determine whether the person is
5 prohibited from possessing a firearm under s. 813.125 (4m).

6 **SECTION 14h.** 175.35 (2) (d) of the statutes is amended to read:

7 175.35 (2) (d) Forty-eight hours, subject to extension under sub. (2g) (c) 4. c.,
8 have elapsed from the time that the firearms dealer has received a confirmation
9 number regarding the firearms restrictions record search under sub. (2g) (c) from the
10 department of justice and the firearms dealer has not been notified that the transfer
11 would be in violation of s. 941.29 or that the transferee would be prohibited from
12 possessing a firearm based on a disqualifying mental health adjudication.

13 **SECTION 14j.** 175.35 (2g) (c) 4. a. and b. of the statutes are amended to read:

14 175.35 (2g) (c) 4. a. If the search indicates that the transferee is prohibited from
15 possessing a firearm under s. 941.29 or based on a disqualifying mental health
16 adjudication, the department shall provide the firearms dealer with a unique
17 nonapproval number. The department may not disclose to the firearms dealer the
18 reason the transferee is prohibited from possessing a firearm ~~under s. 941.29.~~

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

22 **SECTION 14m.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

23 175.35 (2k) (ar) 2. Check each duplicate notification form received under sub.
24 (2j) against the information recorded by the department regarding the corresponding
25 request for a firearms restrictions record search under sub. (2g). If the department

1 previously provided a unique approval number regarding the request and nothing
2 in the duplicate completed notification form indicates that the transferee is
3 prohibited from possessing a firearm under s. 941.29 or based on a disqualifying
4 mental health adjudication, the department shall destroy all records regarding that
5 firearms restrictions record search within 30 days after receiving the duplicate
6 form.”.

7 **6.** Page 9, line 18: delete lines 18 to 21 and substitute:

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

11 **7.** Page 20, line 12: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
12 (j).”.

13 **8.** Page 21, line 5: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
14 (j).”.

15 **9.** Page 21, line 8: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
16 (j).”.

17 **10.** Page 21, line 10: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
18 (j).”.

19 **11.** Page 22, line 16: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
20 (j).”.

21 **12.** Page 22, line 21: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
22 (j).”.

23 **13.** Page 23, line 3: after that line insert:

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

6 **14.** Page 23, line 16: delete “(f), (g) 2. or 3.,” and substitute “(e), (f), (g), (i), (im),
7 (j).”.

8 **15.** Page 41, line 14: after that line insert:

9 “**SECTION 39k. Nonstatutory provisions.**

10 (1z) Using the procedure under section 227.24 of the statutes, the department
11 of justice shall promulgate rules required under section 175.35 (2g) (c) 3. of the
12 statutes and under section 175.50 (9g) (f) of the statutes, as created by this act, for
13 the period before the effective date of the permanent rules promulgated under those
14 sections, but not to exceed the period authorized under section 227.24 (1) (c) and (2)
15 of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes,
16 the department is not required to provide evidence that promulgating a rule under
17 this subsection as an emergency rule is necessary for the preservation of public
18 peace, health, safety, or welfare and is not required to provide a finding of an
19 emergency for a rule promulgated under this subsection.”.

20

(END)