

**SENATE AMENDMENT 22,
TO SENATE SUBSTITUTE AMENDMENT 2,
TO 2003 SENATE BILL 214**

October 23, 2003 – Offered by Senators LAZICH, PANZER, MOORE, HARSDORF, LASSA, ROESSLER, BRESKE, DARLING, BROWN, DECKER, S. FITZGERALD, KANAVAS, KEDZIE, A. LASEE, LEIBHAM, M. MEYER, REYNOLDS, SCHULTZ, STEPP, WELCH, WIRCH and ZIEN.

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

2 **1.** Page 5, line 21: delete “LIST OF CONCEALED-CARRY LICENSE APPROVED STATES.”
3 and substitute “RULES REGARDING CONCEALED WEAPONS LICENSES. (a) Promulgate rules
4 specifying all of the following:

5 1. A procedure by which a sheriff may file a petition under s. 175.50 (10m) and
6 a license may be revoked under s. 175.50 (14) with respect to a person who is issued
7 a license under s. 175.50 (9r) and who, as a result of being licensed, poses a
8 substantial risk to others.

9 2. A procedure to provide sheriffs notice of any order entered under s. 175.50
10 (10m) prohibiting a person from being licensed to carry a concealed weapon.

11 (b)”.

12 **2.** Page 21, line 25: after that line insert:

1 “(mg) The individual has not been prohibited from obtaining a license under
2 sub. (10m) based on the individual having committed a misdemeanor crime of
3 violence.”.

4 **3.** Page 24, line 19: delete “par. (c)” and substitute “pars. (c) and (d)”.

5 **4.** Page 25, line 8: after that line insert:

6 “(d) The time period specified in par. (b) is tolled during the pendency of any
7 action brought under sub. (10m).”.

8 **5.** Page 29, line 8: after that line insert:

9 **“(10m) DISQUALIFICATION PETITION REGARDING CERTAIN MISDEMEANANTS.** (a) If a
10 sheriff receives an application for a license under this section from a person who has
11 committed a misdemeanor crime of violence and the person is eligible for a license
12 under sub. (3) (m), the sheriff may file a petition under this subsection asking the
13 circuit court to enter an order barring the person from receiving a license. The
14 petition shall allege that the person would pose a substantial risk to others if the
15 person were granted a license under this section.

16 (b) The sheriff shall file any such petition in the circuit court of the sheriff’s
17 county, or if applicable, the circuit court of the county of issuance designated under
18 sub. (2) (c). The sheriff may not file the petition more than 30 days after receiving
19 the person’s completed application, unless the person was issued a license under sub.
20 (9r). The court shall allow the person 30 days to file an answer to the petition. The
21 court may hold an evidentiary hearing on the petition.

22 (c) If the court determines, by clear and convincing evidence, that the person
23 would pose a substantial risk to others if the person were granted a license under this

1 section, the court shall enter an order prohibiting the person from obtaining a license
2 under this section.

3 (d) If the court denies the sheriff's petition, the court shall award the person
4 costs and reasonable attorney fees.

5 (e) The court shall expedite any proceeding brought under this subsection.”.

6 **6.** Page 52, line 15: delete “section” and substitute “sections 165.25 (11) (a)
7 and”.

8 **7.** Page 53, line 1: delete “section” and substitute “sections 165.25 (11) (a) and”.

9 (END)