



State of Wisconsin  
2003 - 2004 LEGISLATURE

-3596

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SENATE SUBSTITUTE AMENDMENT,  
TO 2003 SENATE BILL 214

~~Yes~~  
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of order.

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REGEN

1 AN ACT *to renumber and amend* 29.091, 29.621 (4), 941.23, 941.235 (2) and  
2 943.13 (2); *to amend* 23.33 (3) (e), 29.089 (2), 51.20 (13) (cv) 4., 51.20 (16) (gm),  
3 51.30 (3) (a), 165.82 (1) (intro.), 165.82 (2), 175.35 (1) (at), 175.35 (2) (d), 175.35  
4 (2g) (c) 4. a. and b., 175.35 (2k) (ar) 2., 440.26 (3m), 813.12 (6) (am) 1., 813.12  
5 (6) (am) 2., 813.122 (9) (am) 1., 813.122 (9) (am) 2., 813.125 (5r) (a), 813.125 (5r)  
6 (b), 885.235 (1g) (intro.), 938.396 (8), 941.20 (1) (a), 941.20 (1) (b), 941.295 (2)  
7 (d), 943.13 (1m) (b) and 943.13 (3); and *to create* 29.091 (2), 29.621 (4) (b), 55.06  
8 (17) (d), 59.25 (3) (u), 165.25 (11), 167.31 (4) (ar), 175.35 (1) (am), 175.50,  
9 885.235 (1g) (e), 938.396 (8m), 941.20 (1) (bm), 941.23 (1) (a), 941.23 (1) (b),  
10 941.23 (1) (c), 941.23 (2), 941.235 (2) (c), 941.237 (3) (ct), 941.295 (2g), 941.295  
11 (2r), 943.13 (1e) (bm), 943.13 (1e) (g), 943.13 (1m) (c), 943.13 (2) (bm), 946.32 (3),  
12 948.605 (2) (c) and 948.61 (3m) of the statutes; **relating to:** carrying or going  
13 armed with a concealed weapon, background checks for handgun purchases,

1 requiring the exercise of rule-making authority, providing an exemption from  
2 rule-making authority, and providing penalties.

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

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

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

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

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

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

17 SECTION 3. 29.091 of the statutes is renumbered 29.091 (1) and amended to  
18 read:

19 29.091 (1) No person may hunt or trap within any wildlife refuge established  
20 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession  
21 or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,  
22 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed  
23 within a carrying case. The taking of predatory game birds and animals shall be done

1 as the department directs. All state wildlife refuge boundary lines shall be marked  
2 by posts placed at intervals of not over 500 feet and bearing signs with the words  
3 “Wisconsin Wildlife Refuge”.

4 **SECTION 4.** 29.091 (2) of the statutes is created to read:

5 29.091 (2) The prohibition of the possession or control of a loaded or unencased  
6 gun or firearm in sub. (1) does not apply to the possession of a handgun, as defined  
7 in s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon  
8 issued under s. 175.50 or by an out-of-state licensee, as defined in s. 175.50 (1) (g).

9 **SECTION 5.** 29.621 (4) of the statutes is renumbered 29.621 (4) (a) and amended  
10 to read:

11 29.621 (4) (a) Except as provided in s. 29.091 (1), no owner of a wildlife refuge,  
12 and no other person, may hunt or trap within the boundaries of any wildlife refuge  
13 or, except as provided in par. (b), have in his or her possession or under his or her  
14 control in the wildlife refuge a gun, firearm, bow or crossbow, unless the gun or  
15 firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or  
16 crossbow is enclosed within a carrying case. Nothing in this section may prohibit,  
17 prevent or interfere with the department in the destruction of injurious animals.

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

19 29.621 (4) (b) The prohibition of the possession or control of a loaded or  
20 unencased gun or firearm in par. (a) does not apply to the possession of a handgun,  
21 as defined in s. 175.50 (1) (bm), by a person who holds a valid license to carry a  
22 concealed weapon issued under s. 175.50 or an out-of-state licensee, as defined in  
23 s. 175.50 (1) (g).

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

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

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

13           51.20 (16) (gm) Upon a request under par. (a), a court may cancel the  
14           prohibition under sub. (13) (cv) 1. if the court determines, based on evidence  
15           presented on the issue of the subject individual's dangerousness, that there no longer  
16           is a substantial probability that the individual may use a firearm to cause physical  
17           harm to himself or herself or endanger public safety. If a court cancels a prohibition  
18           under sub. (13) (cv) 1. under this paragraph, the court clerk shall notify the  
19           department of justice of that fact and provide any information identifying the subject  
20           individual that is necessary to permit an accurate involuntary commitment record  
21           search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b). No  
22           other information from the subject individual's court records may be disclosed to the  
23           department of justice except by order of the court.

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

1           51.30 (3) (a) Except as provided in pars. (b) and (c) and s. 175.50 (11) (d) 2. g.  
2           and 3. and under rules that the department of justice promulgates under s. 175.35  
3           (2g) (c) 3. or 175.50 (9g) (f), the files and records of the court proceedings under this  
4           chapter shall be closed but shall be accessible to any individual who is the subject of  
5           a petition filed under this chapter.

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

7           55.06 (17) (d) Notwithstanding par. (a), information from records described in  
8           par. (a) may be disclosed under rules that the department of justice promulgates  
9           under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f).

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

11          59.25 (3) (u) 1. Subject to the terms of an agreement under s. 175.50 (2) (c),  
12          deposit all moneys received under s. 175.50 (7) (bd) and (bp), (13), and (15) (b) 4. a.  
13          and c. in the general fund of the county.

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

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

20          **SECTION 12.** 165.25 (11) of the statutes is created to read:

21          165.25 (11) ~~LIST OF CONCEALED-CARRY LICENSE APPROVED STATES~~ Determine  
22          which states issue permits or licenses to carry a concealed weapon to persons who  
23          meet training requirements and <sup>pass</sup> criminal background checks that are substantially  
24          similar to or more restrictive than those specified under s. 175.50 (3) (h) and (9g) and  
25          promulgate by rule a list of those states.

No ff  
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in those  
states

1           **SECTION 13.** 165.82 (1) (intro.) of the statutes, as affected by 2003 Wisconsin  
2 Act 33, is amended to read:

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

6           **SECTION 14.** 165.82 (2) of the statutes is amended to read:

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

10          **SECTION 15.** 167.31 (4) (ar) of the statutes is created to read:

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

15          **SECTION 16.** 175.35 (1) (am) of the statutes is created to read:

16          175.35 (1) (am) “Disqualifying mental health adjudication” means one of the  
17 following events if it occurs in a proceeding that was not commenced by the person  
18 who is the subject of the proceeding and if it is based on the person having markedly  
19 subnormal intelligence or the person’s mental illness, incompetency, condition, or  
20 disease:

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

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

1           **SECTION 17.** 175.35 (1) (at) of the statutes is amended to read:

2           175.35 (1) (at) “Firearms restrictions record search” means a search of  
3 department of justice records to determine whether a person seeking to purchase a  
4 handgun is prohibited from possessing a firearm under s. 941.29 or based on a  
5 disqualifying mental health adjudication. “Firearms restriction record search”  
6 includes a criminal history record search, a search to determine whether a person is  
7 prohibited from possessing a firearm under s. 51.20 (13) (cv), a search to determine  
8 whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal  
9 injunction, as defined in s. 813.12 (1) (e), issued by a court established by any  
10 federally recognized Wisconsin Indian tribe or band, except the Menominee Indian  
11 tribe of Wisconsin, that includes notice to the respondent that he or she is subject to  
12 the requirements and penalties under s. 941.29 and that has been filed with the  
13 circuit court under s. 806.247 (3), and a search to determine whether the person is  
14 prohibited from possessing a firearm under s. 813.125 (4m).

15           **SECTION 18.** 175.35 (2) (d) of the statutes is amended to read:

16           175.35 (2) (d) Forty-eight hours, subject to extension under sub. (2g) (c) 4. c.,  
17 have elapsed from the time that the firearms dealer has received a confirmation  
18 number regarding the firearms restrictions record search under sub. (2g) (c) from the  
19 department of justice and the firearms dealer has not been notified that the transfer  
20 would be in violation of s. 941.29 or that the transferee would be prohibited from  
21 possessing a firearm based on a disqualifying mental health adjudication.

22           **SECTION 19.** 175.35 (2g) (c) 4. a. and b. of the statutes are amended to read:

23           175.35 (2g) (c) 4. a. If the search indicates that the transferee is prohibited from  
24 possessing a firearm under s. 941.29 or based on a disqualifying mental health  
25 adjudication, the department shall provide the firearms dealer with a unique

1 nonapproval number. The department may not disclose to the firearms dealer the  
2 reason the transferee is prohibited from possessing a firearm ~~under s. 941.29.~~

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

6 **SECTION 20.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

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

15 **SECTION 21.** 175.50 of the statutes is created to read:

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

18 (ab) “Alcohol beverages” has the meaning given in s. 125.02 (1).

19 (abm) “Alcohol concentration” has the meaning given in s. 340.01 (1v).

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

23 (ag) Except in subs. (2g) (b) and (11) (c) 1. b., “carry” means to go armed with.

24 (ah) “Controlled substance” means a controlled substance, as defined in s.  
25 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).



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

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

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

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

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

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

17 (bq) “Intoxicant” means any alcohol beverage, controlled substance, or other  
18 drug, or any combination thereof.

19 (c) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

20 (d) “Licensee” means an individual holding a valid license to carry a concealed  
21 weapon issued under this section.

22 (e) “Misdemeanor crime of violence” means any of the following:

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

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

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

5           (f) "Out-of-state authorization" means a valid permit document or a valid  
6 license document issued by another state <sup>if</sup> to which all of the following apply:

7           1. The permit document or license document documents that a person is  
8 authorized under the law of that state to carry a concealed weapon in that state.

9           2. The permit document or license document is issued by that state only to those  
10 persons who meet training requirements and criminal background checks that are  
11 substantially similar to or more restrictive than those specified under sub. (3) (h) and  
12 (9g).

13           (g) "Out-of-state licensee" means an individual who is 21 years of age or over,  
14 who has been issued an out-of-state authorization and who is not prohibited from  
15 possessing a firearm under s. 941.29 or from possessing a firearm that has been  
16 transported in interstate or foreign commerce under federal law.

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

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

20           (ig) "Purpose of authorized analysis" means for the purpose of determining or  
21 obtaining evidence of the presence, quantity, or concentration of any intoxicant in a  
22 person's blood, breath, or urine.

23           (is) "Test facility" means a test facility or agency prepared to administer tests  
24 under s. 343.305 (2).

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who is not a Wisconsin  
= resident

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

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

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

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

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

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

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

23 1. The agreement shall be in writing.

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

1           2m. The agreement shall specify how the powers and duties that are the subject  
2 of the agreement are to be allocated among the sheriffs that are parties to the  
3 agreement.

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

7           4. The agreement shall designate one county to be identified as the county of  
8 issuance.

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

13           **(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE DOCUMENT**  
14 **OR AUTHORIZATION.** (a) A licensee or an out-of-state licensee may carry a concealed  
15 weapon anywhere in this state except as provided under sub. (15m) or (16) or s.

16           943.13 (1m) (c) or 941.20 (1) (b). *transcribe* *Not* *INS 12/16*

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

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

24           **(2i) PRELIMINARY BREATH SCREENING TEST.** (a) *Requirement.* A person shall  
25 provide a sample of his or her breath for a preliminary breath screening test if a law

1 enforcement officer has probable cause to believe that the person is violating sub.  
2 (16) (cm) 1. and if, prior to an arrest, the law enforcement officer requested that the  
3 person provide this sample.

4 (b) *Use of test results.* A law enforcement officer may use the results of a  
5 preliminary breath screening test for the purpose of deciding whether or not to arrest  
6 a person for a violation of sub. (16) (cm) 1. or for the purpose of deciding whether or  
7 not to request a chemical test under sub. (2k). Following the preliminary breath  
8 screening test, chemical tests may be required of the person under sub. (2k).

9 (c) *Admissibility.* The result of a preliminary breath screening test is not  
10 admissible in any action or proceeding except to show probable cause for an arrest,  
11 if the arrest is challenged, or to show that a chemical test was properly required of  
12 a person under sub. (2k).

13 (d) *Refusal.* There is no penalty for a violation of par. (a). Neither sub. (17) (b)  
14 nor the general penalty provision under s. 939.61 applies to that violation.

15 (2j) IMPLIED CONSENT. Any person who carries a concealed weapon in this state  
16 is deemed to have given consent to provide one or more samples of his or her breath,  
17 blood, or urine for the purpose of authorized analysis as required under sub. (2k).  
18 Any person who carries a concealed weapon in this state is deemed to have given  
19 consent to submit to one or more chemical tests of his or her breath, blood, or urine  
20 for the purpose of authorized analysis as required under sub. (2k).

21 (2k) CHEMICAL TESTS. (a) *Requirement.* 1. 'Samples; submission to tests.' A  
22 person shall provide one or more samples of his or her breath, blood, or urine for the  
23 purpose of authorized analysis if he or she is arrested for a violation of sub. (16) (cm)  
24 1. and if he or she is requested to provide the sample by a law enforcement officer.  
25 A person shall submit to one or more chemical tests of his or her breath, blood, or

1 urine for the purpose of authorized analysis if he or she is arrested for a violation of  
2 sub. (16) (cm) 1. and if he or she is requested to submit to the test by a law  
3 enforcement officer.

4 2. 'Information.' A law enforcement officer requesting a person to provide a  
5 sample or to submit to a chemical test under subd. 1. shall inform the person of all  
6 of the following at the time of the request and prior to obtaining the sample or  
7 administering the test:

8 a. That he or she is deemed to have consented to tests under sub. (2i).

9 b. That a refusal to provide a sample or to submit to a chemical test constitutes  
10 a violation under par. (e) and is subject to the same penalties and procedures as a  
11 violation of sub. (16) (cm) 1.

12 c. That in addition to the designated chemical test under par. (b) 2. he or she  
13 may have an additional chemical test under par. (c) 1.

14 3. 'Unconscious person.' A person who is unconscious or otherwise not capable  
15 of withdrawing consent is presumed not to have withdrawn consent under this  
16 paragraph, and if a law enforcement officer has probable cause to believe that the  
17 person violated sub. (16) (cm) 1., one or more chemical tests may be administered to  
18 the person without a request under subd. 1. and without providing information  
19 under subd. 2.

20 (b) *Chemical tests.* 1. 'Test facility.' Upon the request of a law enforcement  
21 officer, a test facility shall administer a chemical test of breath, blood, or urine for  
22 the purpose of authorized analysis. A test facility shall be prepared to administer  
23 2 of the 3 chemical tests of breath, blood, or urine for the purpose of authorized  
24 analysis. The department may enter into agreements for the cooperative use of test  
25 facilities.

1           2. ‘Designated chemical test.’ A test facility shall designate one chemical test  
2 of breath, blood, or urine which it is prepared to administer first for the purpose of  
3 authorized analysis.

4           3. ‘Additional chemical test.’ A test facility shall specify one chemical test of  
5 breath, blood, or urine, other than the test designated under subd. 2., which it is  
6 prepared to administer for the purpose of authorized analysis as an additional  
7 chemical test.

8           4. ‘Validity; procedure.’ A chemical test of blood or urine conducted for the  
9 purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties  
10 and responsibilities of the laboratory of hygiene, department of health and family  
11 services, and department of transportation under s. 343.305 (6) apply to a chemical  
12 test of blood or urine conducted for the purpose of authorized analysis under this  
13 subsection. Blood may be withdrawn from a person arrested for a violation of sub.  
14 (16) (cm) 1. only by a physician, registered nurse, medical technologist, physician  
15 assistant, or person acting under the direction of a physician and the person who  
16 withdraws the blood, the employer of that person, and any hospital where blood is  
17 withdrawn have immunity from civil or criminal liability as provided under s.  
18 895.53.

19           5. ‘Report.’ A test facility which administers a chemical test of breath, blood,  
20 or urine for the purpose of authorized analysis under this subsection shall prepare  
21 a written report which shall include the findings of the chemical test, the  
22 identification of the law enforcement officer or the person who requested a chemical  
23 test, and the identification of the person who provided the sample or submitted to the  
24 chemical test. The test facility shall transmit a copy of the report to the law

1 enforcement officer and the person who provided the sample or submitted to the  
2 chemical test.

3 (c) *Additional and optional chemical tests.* 1. ‘Additional chemical test.’ If a  
4 person is arrested for a violation of sub. (16) (cm) 1. and if the person is requested to  
5 provide a sample or to submit to a test under par. (a) 1., the person may request the  
6 test facility to administer the additional chemical test specified under par. (b) 3. or,  
7 at his or her own expense, reasonable opportunity to have any qualified person  
8 administer a chemical test of his or her breath, blood, or urine for the purpose of  
9 authorized analysis.

10 2. ‘Optional test.’ If a person is arrested for a violation of sub. (16) (cm) 1. and  
11 if the person is not requested to provide a sample or to submit to a test under par. (a)  
12 1., the person may request the test facility to administer a chemical test of his or her  
13 breath or, at his or her own expense, reasonable opportunity to have any qualified  
14 person administer a chemical test of his or her breath, blood, or urine for the purpose  
15 of authorized analysis. If a test facility is unable to perform a chemical test of breath,  
16 the person may request the test facility to administer the designated chemical test  
17 under par. (b) 2. or the additional chemical test under par. (b) 3.

18 3. ‘Compliance with request.’ A test facility shall comply with a request under  
19 this paragraph to administer any chemical test that it is able to perform.

20 4. ‘Inability to obtain chemical test.’ The failure or inability of a person to  
21 obtain a chemical test at his or her own expense does not preclude the admission of  
22 evidence of the results of a chemical test required and administered under pars. (a)  
23 and (b).

24 (d) *Admissibility; effect of test results; other evidence.* The results of a chemical  
25 test required or administered under par. (a), (b), or (c) are admissible in any civil or



1 criminal action or proceeding arising out of the acts committed by a person alleged  
2 to have violated sub. (16) (cm) 1. on the issue of whether the person had alcohol  
3 concentrations at or above specified levels or was under the influence of an  
4 intoxicant. Results of these chemical tests shall be given the effect required under  
5 s. 885.235. This subsection does not limit the right of a law enforcement officer to  
6 obtain evidence by any other lawful means.

7 (e) *Refusal.* No person may refuse a lawful request to provide one or more  
8 samples of his or her breath, blood, or urine or to submit to one or more chemical tests  
9 under par. (a). A person shall not be deemed to refuse to provide a sample or to submit  
10 to a chemical test if it is shown by a preponderance of the evidence that the refusal  
11 was due to a physical inability to provide the sample or to submit to the test due to  
12 a physical disability or disease unrelated to the use of an intoxicant. Issues in any  
13 action concerning a violation of par. (a) or this paragraph are limited to:

14 1. Whether the law enforcement officer had probable cause to believe the  
15 person was violating or had violated sub. (16) (cm) 1.

16 2. Whether the person was lawfully placed under arrest for violating sub. (16)  
17 (cm) 1.

18 3. Whether the law enforcement officer requested the person to provide a  
19 sample or to submit to a chemical test and provided the information required under  
20 par. (a) 2. or whether the request and information were unnecessary under par. (a)  
21 3.

22 4. Whether the person refused to provide a sample or to submit to a chemical  
23 test.

24 (2m) LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (c), and  
25 (d), the department shall design a single license document for licenses issued and

1 renewed under this section. The department shall complete the design of the license  
2 document no later than the first day of the 4th month beginning after the effective  
3 date of this paragraph ... [revisor inserts date], and shall distribute the design for  
4 the license document to any sheriff who issues licenses under sub. (2) (a) or (c) for the  
5 sheriff to use for licenses that he or she issues under this section.

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

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

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

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

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

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

1           (b) The individual does not have a physical disability that prevents him or her  
2 from safely handling a weapon. The department shall promulgate rules specifying  
3 the procedures and definitions that the sheriff is required to apply when determining  
4 whether an individual is ineligible for a license under this section because he or she  
5 has a physical disability that prevents him or her from safely handling a weapon.

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

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

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

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

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

20           1. The individual has been committed for involuntary treatment under s. 51.45  
21 (13).

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

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

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

1           2. Successfully completed a National Rifle Association firearm training or  
2 firearm safety course or class that meets the requirements under sub. (4m).

3           3. Successfully completed a firearm training or firearm safety course or class  
4 that meets the requirements under sub. (4m) and that is conducted by an instructor  
5 certified by the state in which the course or class was conducted, by the National Rifle  
6 Association, or by another national or state organization that certifies firearms  
7 instructors.

8           4. Successfully completed a firearm safety or firearm training course or class  
9 that is available to the general public and that is offered by a law enforcement agency,  
10 a private or public school, institution, or organization, or a firearm training school,  
11 if the course or class uses instructors certified by the National Rifle Association, by  
12 another national or state organization that certifies firearms instructors, or by the  
13 department or if the curriculum meets the minimum requirements of the law  
14 enforcement standards board ~~and the requirements under sub. (4m).~~

15           5. Successfully completed a firearm safety or firearm training course or class  
16 that meets the requirements under sub. (4m) and that is offered for law enforcement  
17 officers, correctional officers, special deputies, private detectives licensed under s.  
18 440.26, or other security or law enforcement personnel.

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

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

the requirements under  
sub. (4m)

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

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

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

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

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

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

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

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

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

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

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

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

17 (s) The individual is a Wisconsin resident.

18 **(3m) FEDERAL PREEMPTION.** The requirements under sub. (3) (e), (g) 1., (i), (im),  
19 (j), (k), and (L) apply only to a person who may lawfully possess a firearm under  
20 federal law.

21 **(5) APPLICATION AND RENEWAL FORMS.** The department shall design an  
22 application form for use by individuals who apply for a license under this section and  
23 a renewal form for use by individuals applying for renewal of a license under sub.  
24 (15). The department shall complete the design of the application form no later than  
25 the first day of the 4th month beginning after the effective date of this subsection ....

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19          (b) Subject to par<sup>s</sup> (c) <sup>and (d)</sup>, within 30 days after receiving an application under sub.  
20 (7), a sheriff shall do one of the following:

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

23           2. Deny the application, but only if the applicant fails to qualify under the  
24 criteria specified in sub. (3). If the sheriff denies the application, he or she shall



1 inform the applicant in writing, stating the reason and factual basis for the denial  
2 to the extent permitted under federal law.

3 (c) Except as provided in sub. (9r) or (10), a sheriff may not issue a license until  
4 7 days, subject to extension under sub. (9g) (b) 3. c., have elapsed from the time that  
5 the sheriff has received a confirmation number regarding the background check  
6 under sub. (9g) (b) 1. from the department, unless the department has notified the  
7 sheriff that the background check does not indicate that the applicant is disqualified  
8 for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r).

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

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

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

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

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

24 a. If the background check indicates that the applicant does not qualify for a  
25 license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the

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1 department shall provide the sheriff with a unique nonapproval number. The  
2 department shall disclose to the sheriff the reason the applicant does not qualify for  
3 a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r).

4 b. If the completed background check does not indicate that the applicant is  
5 disqualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),  
6 (n), (o), or (r), the department shall provide the sheriff with a unique approval  
7 number.

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

17 (bm) The department shall conduct the background check under par. (b)  
18 immediately if, when requesting it under par. (a), the sheriff informs the department  
19 that the background check is for an applicant for an emergency license under sub.  
20 (9r).

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

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

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

19 2. The department may maintain records necessary to administer this  
20 subsection and, for a period of not more than 3 years after the department issues a  
21 unique approval number, a log of dates of requests for background checks under this  
22 subsection together with confirmation numbers and unique approval and  
23 nonapproval numbers corresponding to those dates.

24 (f) The department shall promulgate rules authorizing it to obtain records  
25 necessary to determine an applicant's eligibility under sub. (3) (e), (g) 1., (i), (im), and

1 (j) for a license issued under this section. The department may not disclose  
2 information that it obtains under rules issued under this paragraph except to a  
3 sheriff under par. (b) 3. or sub. (9r) (b) 2. or (11) (d) 3.

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

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

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

17 (c) A sheriff may waive the fees that would otherwise be required under subs.  
18 (7) (bd), (bh), (bp), and (bt) and (9g) (c) for an individual who is applying for a license  
19 under par. (a) if requiring the individual to pay the fees would create a hardship for  
20 the individual. *INS 28/20 ✓*

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

1           (10) EXEMPTION FROM BACKGROUND CHECK. Notwithstanding subs. (9) (a) and  
2           (15) (c), a sheriff shall issue or renew a license under this section to any of the  
3           following individuals without waiting 7 days or requesting a background check:

4           (a) A law enforcement officer.

5           (b) A correctional officer.

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

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

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

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

21           (c) 1. The department and any sheriff issuing licenses under this section shall  
22           provide information concerning a specific licensee to a law enforcement agency, but  
23           only if the law enforcement agency is requesting the information for any of the  
24           following purposes:

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

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

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

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

16 (d) 1. In this paragraph:

17 a. "Clerk" means the clerk of the circuit court or, if it has enacted a law or an  
18 ordinance in conformity with s. 346.63, the clerk of the court for a federally  
19 recognized American Indian tribe or band in this state, a city, a village, or a town.

20 b. "Court automated information systems" means the systems under s. 758.19  
21 (4). *or register in probate*

22 2. The court automated information systems, or the clerk, ~~if~~ if the information  
23 is not contained in or cannot be transmitted by the court automated information  
24 systems, shall ~~immediately~~ notify the department of the name of any individual with

*promptly*

1 respect to whom any of the following occurs and the specific reason for the  
2 notification:

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

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

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

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

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

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

16 g. The individual is involuntarily committed for treatment under s. 51.20 or  
17 51.45.

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

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

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

23 3. Upon receiving a notice under subd. 2., the department shall immediately  
24 determine if the individual who is the subject of the notice is a licensee, using the list  
25 maintained under par. (am). If the department determines that the individual is a

1 licensee, the department shall immediately inform the sheriff of the county that  
2 issued the license of the individual's name and the basis for the notice under subd.  
3 2.

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

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

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

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

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

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



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

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

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

8           2. A sheriff who suspends or revokes a license issued under this section shall  
9 send the individual whose license has been suspended or revoked notice of the  
10 suspension or revocation by certified mail within one day after the suspension or  
11 revocation. Within 7 days after receiving the notice, the individual whose license has  
12 been suspended or revoked shall deliver the license document personally or by  
13 certified mail to the sheriff.

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

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

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

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

8 (e) The court shall review the petition, the answer, and any records or  
9 documents submitted with the petition or the answer. The review under this  
10 paragraph shall be conducted by the court without a jury and shall be confined to the  
11 petition, the answer, and any records or documents submitted with the petition or  
12 the answer, except that in cases of alleged irregularities in procedure by the sheriff  
13 the court may take testimony that the court determines is appropriate.

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

- 16 1. That the sheriff failed to follow procedure prescribed under this section.
- 17 2. That the sheriff erroneously interpreted a provision of law and a correct  
18 interpretation compels a different action.
- 19 3. That the sheriff's action depends on a finding of fact that is not supported  
20 by substantial evidence in the record.

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

23 (15) LICENSE EXPIRATION AND RENEWAL. (a) Except as provided in sub. (9r) (b)  
24 1., a license issued under this section is valid for a period of 5 years from the date on

1 which the license is issued unless the license is suspended or revoked under sub. (9g)  
2 (e) 1. or (14).

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

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

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

13 4. Pays all of the following:

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

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

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

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

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

23 (d) If an individual whose license has expired does not submit a renewal  
24 application under par. (b) before 6 months after the expiration date, the license shall

1 permanently expire. An individual whose license has permanently expired may be  
2 issued a new license if he or she applies for a license under sub. (7).

3 (15m) PRIVATE EMPLOYER RESTRICTIONS. (a) Except as provided in par. (b), a  
4 private employer may prohibit a licensee or an out-of-state licensee that it employs  
5 from carrying a concealed weapon or a particular type of concealed weapon in the  
6 course of the licensee's or out-of-state licensee's employment or during any part of  
7 the licensee's or out-of-state licensee's course of employment.

8 (b) A private employer may not prohibit a licensee or an out-of-state licensee,  
9 as a condition of employment, from carrying a concealed weapon or a particular type  
10 of concealed weapon in the licensee's or out-of-state licensee's own motor vehicle,  
11 regardless of whether the motor vehicle is used in the course of employment.

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

- 14 1. A place that has been declared a nuisance under ch. 823.
- 15 2. A police station, sheriff's office, or state patrol station. This subdivision does  
16 not prohibit a peace officer who is acting within the scope of his or her employment  
17 from carrying a concealed weapon in a police station, sheriff's office, or state patrol  
18 station.
- 19 3. A prison, jail, house of correction, or secured correctional facility.
- 20 4. A courthouse, except that a judge who is a licensee may carry a concealed  
21 weapon in a courthouse in which he or she is presiding in court and may permit in  
22 writing any other licensee or out-of-state licensee to carry a concealed weapon in a  
23 courthouse in which he or she is presiding in court.

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

4           6. A school administration building.

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

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

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

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

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

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

17           10. A building or part of a building used for religious worship or another  
18 religious purpose.

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

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

23           13. A facility licensed as a hospital, as defined in s. 50.33 (2).

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

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1 15. A building or part of a building used for instructional purposes by a private  
2 or public university, college, or technical college.

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

INS ✓  
38/5 6 (b) Neither a licensee nor an out-of-state licensee may knowingly carry a  
7 handgun in a school zone, as defined in s. 948.605 (1) (c), unless he or she is not in  
8 or on the grounds of a school, as defined in s. 948.61 (1) (b), and one of the following  
9 applies:

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

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

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

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

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

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

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

1 (cm) 1. A person may not carry a concealed weapon if any of the following  
2 applies:

3 a. The person's alcohol concentration exceeds 0.08.

4 b. The person is under the influence of an intoxicant to a degree which  
5 materially impairs his or her ability to handle the weapon.

6 2. A person may be charged with and a prosecutor may proceed upon a  
7 complaint based upon a violation of subd. 1. a. or b. or both for acts arising out of the  
8 same incident or occurrence. If the person is charged with violating both subd. 1. a.  
9 and b., the offenses shall be joined. Subdivision 1. a. and b. each requires proof of a  
10 fact for conviction which the other does not require.

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

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

14 (b) Any person who violates sub. (2k) (e) or (16) may be fined not more than  
15 \$1,000 or imprisoned for not more than 90 days or both.

16 (c) Any person who intentionally falsely swears under sub. (6) or (15) (b) 2. or  
17 who intentionally makes a false statement to a sheriff in requesting or in connection  
18 with the issuance of an emergency license under sub. (9r) shall be fined not less than  
19 \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

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

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

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

4           **(19) STATISTICAL REPORT.** (a) By February 1 of each year, a sheriff who is issuing  
5 or renewing licenses under this section shall submit a statistical report to the  
6 department indicating the number of licenses applied for, issued, denied, suspended,  
7 and revoked under this section during the previous calendar year. For the licenses  
8 denied, the report shall indicate the reasons for the denials and the part of the  
9 application process during which the reasons for denial were discovered. For the  
10 licenses suspended or revoked, the report shall indicate the reasons for the  
11 suspensions and revocations.

12           (b) By March 1 of each year, the department shall submit a statistical report  
13 to the legislature under s. 13.172 (2) and to the governor that is compiled from the  
14 reports submitted under par. (a) and that indicates the number of licenses applied  
15 for, issued, denied, suspended, and revoked under this section during the previous  
16 calendar year. For the licenses denied, the report shall indicate the reasons for the  
17 denials and the part of the application process in which the reasons for denial were  
18 discovered. For the licenses suspended or revoked, the report shall indicate the  
19 reasons for the suspensions and revocations.

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



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

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

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

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

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

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

17 (d) In determining whether to make a grant under this subsection to a  
18 particular applicant, the sheriff shall consider the potential of the project to meet the  
19 needs of firearm safety courses or classes that meet the requirements under sub.  
20 (4m) in the area served by the shooting range relative to the proposed cost of the  
21 construction or improvement.

22 **(21) IMMUNITY.** (a) The department and its employees, sheriffs and their  
23 employees, clerks, as defined in sub. (11) (d) 1. a., and their staff, court automated  
24 information systems, as defined under sub. (11) (d) 1. b., and its employees, and

1 counties and their employees are immune from liability arising from any act or  
2 omission under this section, if done in good faith.

3 (b) A person providing a firearm safety or firearm training course or class in  
4 good faith ~~to a licensee~~ is immune from liability arising from any act or omission  
5 related to the course or class. *INS 4215 ✓*

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

9 (d) An employer that permits any of its employees to carry a concealed weapon  
10 under sub. (15m) is immune from any liability arising from its decision to do so, if  
11 done in good faith.

12 **SECTION 22.** 440.26 (3m) of the statutes is amended to read:

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

19 **SECTION 23.** 813.12 (6) (am) 1. of the statutes is amended to read:

20 813.12 (6) (am) 1. If an injunction is issued or extended under sub. (4) or if a  
21 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify  
22 the department of justice of the injunction and shall provide the department of  
23 justice with information concerning the period during which the injunction is in  
24 effect and information necessary to identify the respondent for purposes of a firearms

1 restrictions record search under s. 175.35 (2g) (c) or a background check under s.  
2 175.50 (9g) (b).

3 **SECTION 24.** 813.12 (6) (am) 2. of the statutes is amended to read:

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

9 **SECTION 25.** 813.122 (9) (am) 1. of the statutes is amended to read:

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

16 **SECTION 26.** 813.122 (9) (am) 2. of the statutes is amended to read:

17 813.122 (9) (am) 2. Except as provided in subd. 3., the department of justice  
18 may disclose information that it receives under subd. 1. only as part of a firearms  
19 restrictions record search under s. 175.35 (2g) (c) or a background check under s.  
20 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or  
21 (11) (d) 3.

22 **SECTION 27.** 813.125 (5r) (a) of the statutes is amended to read:

23 813.125 (5r) (a) If an order prohibiting a respondent from possessing a firearm  
24 is issued under sub. (4m), the clerk of the circuit court shall notify the department  
25 of justice of the existence of the order prohibiting a respondent from possessing a

1 firearm and shall provide the department of justice with information concerning the  
2 period during which the order is in effect and information necessary to identify the  
3 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)  
4 (c) or a background check under s. 175.50 (9g) (b).

5 **SECTION 28.** 813.125 (5r) (b) of the statutes is amended to read:

6 813.125 (5r) (b) Except as provided in par. (c), the department of justice may  
7 disclose information that it receives under par. (a) only as part of a firearms  
8 restrictions record search under s. 175.35 (2g) (c) or a background check under s.  
9 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or  
10 (11) (d) 3.

11 **SECTION 29.** 885.235 (1g) (intro.) of the statutes is amended to read:

12 885.235 (1g) (intro.) In any action or proceeding in which it is material to prove  
13 that a person was under the influence of an intoxicant or had a prohibited alcohol  
14 concentration or a specified alcohol concentration while operating or driving a motor  
15 vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating  
16 a motorboat, except a sailboat operating under sail alone, while operating a  
17 snowmobile, while operating an all-terrain vehicle, while going armed with a  
18 concealed weapon, or while handling a firearm, evidence of the amount of alcohol in  
19 the person's blood at the time in question, as shown by chemical analysis of a sample  
20 of the person's blood or urine or evidence of the amount of alcohol in the person's  
21 breath, is admissible on the issue of whether he or she was under the influence of an  
22 intoxicant or had a prohibited alcohol concentration or a specified alcohol  
23 concentration if the sample was taken within 3 hours after the event to be proved.  
24 The chemical analysis shall be given effect as follows without requiring any expert  
25 testimony as to its effect:

1           **SECTION 30.** 885.235 (1g) (e) of the statutes is created to read:

2           885.235 (1g) (e) In a case brought under s. 175.50 (16) (cm) 1. a. or b., the fact  
3           that the analysis shows that the person had an alcohol concentration of more than  
4           0.0 but less than 0.08 is relevant evidence on the issue of whether the person was  
5           intoxicated or had an alcohol concentration of 0.08 or more but is not to be given any  
6           prima facie effect. In a case brought under s. 175.50 (16) (cm) 1. a., the fact that the  
7           analysis shows that the person had an alcohol concentration of 0.08 or more is prima  
8           facie evidence that he or she had an alcohol concentration of 0.08 or more.

9           **SECTION 31.** 938.396 (8) of the statutes is amended to read:

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

18          **SECTION 32.** 938.396 (8m) of the statutes is created to read:

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

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

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

11 **SECTION 33.** 941.20 (1) (a) of the statutes is amended to read:

12 941.20 (1) (a) Endangers another's safety by the negligent operation or  
13 handling of a dangerous weapon; ~~or~~.

14 **SECTION 34.** 941.20 (1) (b) of the statutes is amended to read:

15 941.20 (1) (b) Operates ~~or goes armed with~~ a firearm while he or she is under  
16 the influence of an intoxicant; ~~or~~.

17 **SECTION 35.** 941.20 (1) (bm) of the statutes is created to read:

18 941.20 (1) (bm) Goes armed with a firearm while he or she is under the  
19 influence of an intoxicant. This paragraph does not apply to a licensee, as defined  
20 in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g), who goes  
21 armed with a concealed handgun, as defined in s. 175.50 (1) (bm), while he or she is  
22 under the influence of an intoxicant or while he or she has an alcohol concentration,  
23 as defined in s. 340.01 (1v), that exceeds 0.08.

24 **SECTION 36.** 941.23 of the statutes is renumbered 941.23 (1) (intro.) and  
25 amended to read:

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

4           **SECTION 37.** 941.23 (1) (a) of the statutes is created to read:

5           941.23 (1) (a) A peace officer.

6           **SECTION 38.** 941.23 (1) (b) of the statutes is created to read:

7           941.23 (1) (b) An individual holding a valid license under s. 175.50 or  
8 authorized under the law of another state to go armed with a concealed weapon in  
9 that state, if the dangerous weapon is a weapon, as defined under s. 175.50 (1) (j).

10          **SECTION 39.** 941.23 (1) (c) of the statutes is created to read:

11          941.23 (1) (c) An individual who goes armed with a concealed and dangerous  
12 weapon, as defined in s. 175.50 (1) (j), in his or her own dwelling or place of business  
13 or on land that he or she owns, leases, or legally occupies, unless he or she is  
14 prohibited under federal or state law from possessing that weapon.

15          **SECTION 40.** 941.23 (2) of the statutes is created to read:

16          941.23 (2) An individual formerly licensed under s. 175.50 whose license has  
17 been suspended or revoked under s. 175.50 (14) may not assert his or her refusal to  
18 accept or failure to receive a notice of revocation or suspension mailed under s. 175.50  
19 (14) (b) 2. as a defense to prosecution under sub. (1), regardless of whether the person  
20 has complied with s. 175.50 (12).

21          **SECTION 41.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and  
22 amended to read:

23          941.235 (2) (intro.) This section does not apply to ~~peace~~ any of the following:

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

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

4           **SECTION 42.** 941.235 (2) (c) of the statutes is created to read:

5           941.235 (2) (c) An individual holding a valid license under s. 175.50 or  
6           authorized under the law of another state to go armed with a concealed weapon, as  
7           defined in s. 175.50 (1) (j), if the firearm is a handgun, as defined in s. 175.50 (1) (bm).

8           **SECTION 43.** 941.237 (3) (ct) of the statutes is created to read:

9           941.237 (3) (ct) An individual holding a valid license under s. 175.50 or  
10          authorized under the law of another state to go armed with a concealed weapon in  
11          that state.

12          **SECTION 44.** 941.295 (2) (d) of the statutes is amended to read:

13          941.295 (2) (d) Any manufacturer or seller ~~whose of~~ electric weapons are used  
14          ~~in this state solely by persons, unless the manufacturer or seller engages in the~~  
15          ~~conduct described in sub. (1) with the intent to provide an electric weapon to someone~~  
16          ~~other than a person specified in pars. (a) to (c) or sub. (2g) (a) or to a person for use~~  
17          ~~in his or her dwelling or place of business or on land that he or she owns, leases, or~~  
18          ~~legally occupies.~~

19          **SECTION 45.** 941.295 (2g) of the statutes is created to read:

20          941.295 (2g) The prohibition in sub. (1) on possessing or going armed with an  
21          electric weapon does not apply to any of the following:

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

24               (b) An individual who goes armed with an electric weapon in his or her own  
25               dwelling or place of business or on land that he or she owns, leases, or legally



1 occupies, unless he or she is prohibited under federal or state law from possessing  
2 that weapon.

3 **SECTION 46.** 941.295 (2r) of the statutes is created to read:

4 941.295 (2r) The prohibition in sub. (1) on transporting an electric weapon does  
5 not apply to any of the following:

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

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

10 1. His or her dwelling.

11 2. His or her own place of business.

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

13 **SECTION 47.** 943.13 (1e) (bm) of the statutes is created to read:

14 943.13 (1e) (bm) “Licensee” means a licensee, as defined in s. 175.50 (1) (d), or  
15 an out-of-state licensee, as defined in s. 175.50 (1) (g).

16 **SECTION 48.** 943.13 (1e) (g) of the statutes is created to read:

17 943.13 (1e) (g) “Weapon” has the meaning given in s. 175.50 (1) (j).

18 **SECTION 49.** 943.13 (1m) (b) of the statutes is amended to read:

19 943.13 (1m) (b) Enters or remains on any land of another after having been  
20 notified by the owner or occupant not to enter or remain on the premises. This  
21 paragraph does not apply to a licensee if the owner’s or occupant’s intent is to prevent  
22 the licensee from going armed with a concealed weapon on the owner’s or occupant’s  
23 land.

24 **SECTION 50.** 943.13 (1m) (c) of the statutes is created to read:

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

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

17           **SECTION 51.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and  
18 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

19           943.13 (2) (am) (intro.) A person has received notice from the owner or occupant  
20 within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally,  
21 either orally or in writing, or if the land is posted. Land is considered to be posted  
22 under this subsection paragraph under either of the following procedures:

23           1. If a sign at least 11 inches square is placed in at least 2 conspicuous places  
24 for every 40 acres to be protected. The sign must carry an appropriate notice and the  
25 name of the person giving the notice followed by the word “owner” if the person giving

1 the notice is the holder of legal title to the land and by the word “occupant” if the  
2 person giving the notice is not the holder of legal title but is a lawful occupant of the  
3 land. Proof that appropriate signs as provided in this paragraph subdivision were  
4 erected or in existence upon the premises to be protected prior to the event  
5 complained of shall be prima facie proof that the premises to be protected were posted  
6 as provided in this paragraph subdivision.

7 **SECTION 52.** 943.13 (2) (bm) of the statutes is created to read: 805 inches by

8 943.13 (2) (bm) 1. In this paragraph, “sign” means a sign that states a  
9 restriction imposed under subd. 2. that is at least 11 inches square

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

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

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

18 **SECTION 53.** 943.13 (3) of the statutes is amended to read:

19 943.13 (3) Whoever erects on the land of another signs which are the same as  
20 or similar to those described in sub. (2) (am) without obtaining the express consent  
21 of the lawful occupant of or holder of legal title to such land is subject to a Class C  
22 forfeiture.

23 **SECTION 54.** 946.32 (3) of the statutes is created to read:

24 946.32 (3) This section does not apply to offenses that may be prosecuted under  
25 s. 175.50 (17) (c).

1           **SECTION 55.** 948.605 (2) (c) of the statutes is created to read:

2           948.605 (2) (c) Paragraph (a) does not apply to the possession of a handgun, as  
3 defined in s. 175.50 (1) (bm), by an individual holding a valid license under s. 175.50  
4 or authorized under the law of another state to go armed with a concealed handgun  
5 who is going armed with a concealed handgun as permitted under s. 175.50.

6           **SECTION 56.** 948.61 (3m) of the statutes is created to read:

7           948.61 (3m) This section does not apply to the possession of a weapon, as  
8 defined in s. 175.50 (1) (j), other than a handgun, as defined in s. 175.50 (1) (bm), by  
9 an individual holding a valid license under s. 175.50 or authorized under the law of  
10 another state to go armed with a concealed weapon who is going armed with a  
11 concealed weapon as permitted under s. 175.50.

12           **SECTION 57. Nonstatutory provisions.**

13           (1) Using the procedure under section 227.24 of the statutes, the department  
14 of justice shall promulgate rules required under section<sup>s</sup> 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           **SECTION 58. Effective dates.** This act takes effect on the first day of the 5th  
24 month beginning after publication, except as follows:

165.25(11)(a) ✓ and

①

(1) The treatment of section<sup>s</sup> 165.25 (ii) (a) and 175.50 (2) (b), (2m), and (5) of the statutes takes effect on the day after publication.

3

(END)

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

October 23, 2003 - Offered by Senator ZIEN.

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

2 ~~1. Page 5, line 23: delete lines 23 to 24 and substitute "meet training~~  
3 ~~requirements and pass criminal background checks in those states and"~~ ✓


4 ~~2. Page 10, line 6: delete "to which" and substitute "if".~~ ✓

5 ~~3. Page 10, line 9: delete lines 9 to 12 and substitute:~~ ✓

6 ~~2.~~ <sup>202</sup> The state is listed in the rule promulgated by the department of justice  
7 under s. 165.25 (11). ✓

8 ~~4. Page 10, line 14: delete that line and substitute "who is not a Wisconsin~~  
9 ~~resident, who has been issued an out-of-state authorization, and who is not~~ ✓  
10 ~~prohibited from".~~

11 ~~5. Page 42, line 4: delete "to a licensee".~~ ✓

INS 42/5 

1 ~~6.~~ Page 42, line 5: after "class" insert "if the course or class is one described in  
2 sub. (3) (h)".

3 (END)

**SENATE AMENDMENT 4,  
TO SENATE SUBSTITUTE AMENDMENT 2,  
TO 2003 SENATE BILL 214**

INS 38/2

October 23, 2003 - Offered by Senator **RISSE**.

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

2 1. Page 38, line 2: after that line insert:

3 16. A kindergarten facility or classroom. ✓

4 (END)



**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 <sup>9</sup>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:

ⓧ

125

5/21

NS  
21/25

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:~~

INS  
25/8

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.~~

NS  
29/8

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)

INS  
29/8

**SENATE AMENDMENT 1,  
TO SENATE SUBSTITUTE AMENDMENT 2,  
TO 2003 SENATE BILL 214**

October 23, 2003 - Offered by Senators ZIEN and PANZER.

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

2 ~~1. Page 12, line 16: after "(b)," insert "This paragraph does not limit the right~~  
3 ~~that a person may have under s. 943.13 (1m) (c) to prohibit a licensee or an~~  
4 ~~out-of-state licensee from entering or remaining in a building used by a health care~~  
5 ~~facility, as defined in s. 150.84 (2), if the licensee or out-of-state licensee is carrying~~  
6 ~~a concealed weapon. In this paragraph, "building" includes a part of a building.~~

NS  
2/16

EXTRA insert to insert ✓

7 ~~2. Page 20, line 9: before "and" insert ", that meets the requirements under~~  
8 ~~sub. (4m)."~~

9 ~~3. Page 20, line 14: delete "and the requirements under sub. (4m)".~~

10 ~~4. Page 22, line 19: delete "(L)," and substitute "(L)".~~

11 ~~5. Page 22, line 20: after that line insert:~~

1 <sup>4</sup>(4m) COURSE OR CLASS REQUIREMENTS. A firearm training or firearm safety  
2 course or class under sub. (3) (h) 2. to 5. shall include all of the following:

3 (a) Instruction on how to handle, load, unload, and store handguns.

4 (b) Instruction on the privilege of self-defense and the defense of others under  
5 s. 939.48.

INS  
22/20

6 (c) Instruction on how to avoid injuring 3rd parties when defending himself,  
7 herself, or others in a manner that is privileged under s. 939.48.

8 (d) Basic self-defense principles.

9 (e) Instruction on how to carry a concealed handgun safely.

10 (f) Instruction on firing a handgun.

11 (g) Practice firing a handgun.

12 ~~6.~~ Page 28, line 20. after "individual" insert "The department shall  
13 promulgate rules specifying the procedures and definitions that the sheriff is  
14 required to apply when determining whether an individual is eligible for a waiver  
15 of the fees for an emergency license under this section as provided under this  
16 paragraph."

INS  
28/20

17 ~~7.~~ Page 30, line 22. after "clerk" insert "or register in probate".

18 ~~8.~~ Page 30, line 24: substitute "promptly" for "immediately"

19 ~~9.~~ Page 38, line 5. after that line insert:

20 <sup>g</sup>(at) Neither a licensee nor an out-of-state licensee may carry a concealed  
21 weapon in a building owned or leased by the state or any political subdivision of the  
22 state if the building provides electronic screening for weapons at all public entrances  
23 to the building and for the locked storage of weapons on the premises while the

NS  
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INS  
3/8/15



1 licensee or out-of-state licensee is in the building. This paragraph does not apply  
2 to:

3 1. Peace officers or armed forces or military personnel who go armed in the line  
4 of duty.

5 2. A person authorized to carry a weapon in the building by the chief of police  
6 of the city, village, or town or the sheriff of the county in which the building is located.

7 3. A person authorized to carry a weapon in the building by the chief of the  
8 capitol police, if the building is owned or leased by the state.

9

~~(END)~~

