



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3596/D1
MGD&CMH:all:ch

1:00
TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ENGROSSED 2003 SENATE
BILL 214

reinsert

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.

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 2003 Senate Bill 214, as passed by the senate on October 23, 2003, consists of the following documents adopted in the senate on that date: Senate Substitute Amendment 2, as affected by Senate Amendment 1 (as affected by chief clerk's correction and Senate Amendment 1 to Senate Amendment 1), Senate Amendments 2, 4, and 22, and Senate Amendment 48 (as affected by chief clerk's correction).

Content of Engrossed 2003 Senate Bill 214:

Under current law, no person other than a peace officer may go armed with a concealed and dangerous weapon. The "going armed with" language applies to, among others, cases in which a person is carrying a concealed weapon but has not gone and is not going anywhere with it and cases in which a weapon is readily accessible to — but not physically carried by — a person in a car. A person who violates the prohibition on going armed with a concealed and dangerous weapon may be fined not more than \$10,000 or imprisoned for not more than nine months or both. But under *State v. Hamdan*, 2003 WI 113, __ Wis. 2d __, it is unconstitutional to apply this prohibition to a person carrying a concealed weapon at his or her own business when: 1) the person's interest in carrying a concealed weapon substantially outweighs the state's interest in enforcing the concealed weapons law; 2) the person has no other reasonable means to keep and handle the weapon; and 3) the person is not motivated by an unlawful purpose in concealing it. The *Hamdan* court also indicated that the constitutional right to keep and bear arms for security must permit a person to carry a concealed weapon under certain circumstances in his or her own home.

Current law prohibits, with certain exceptions, going armed with or possessing a firearm in a number of places, such as in a public building, tavern, state park, or wildlife refuge or within 1,000 feet of the grounds of a school. Current law also prohibits, with certain exceptions, carrying a loaded or unencased firearm in an automobile, motorboat, or airplane. Moreover, no person may operate or go armed with a firearm while under the influence of alcohol, a controlled substance, or any other intoxicant. A person who violates one of these prohibitions is subject to civil or criminal penalties.

This bill permits a person to go armed with a concealed and dangerous weapon in his or her own home or place of business or on land that he or she owns, leases, or legally occupies, unless the person is prohibited under federal or state law from possessing that weapon (prohibitions that apply to firearms if, among other things, the person has been convicted of a misdemeanor crime of domestic violence or a felony; the person unlawfully uses a controlled substance; the person has been involuntarily committed to a mental health facility; or the person is subject to a

44
△
Current law
↑
Sub Sub

Prohibition on carrying a concealed weapon in your home or business
own
Sub Sub

stalking, harassment, or domestic abuse restraining order or a harassment, domestic abuse, or child abuse injunction).

This bill creates a procedure by which a person may apply to a county sheriff for a license to carry a concealed weapon more generally. The license authorizes a person to carry (defined in the bill to mean to go armed with) a concealed weapon (defined in the bill as a handgun, a stungun, a tear gas gun, a knife other than a switchblade, or a billy club) anywhere in this state except in particular places specified in the bill. These specified places include a police station, sheriff's office, or state patrol station; a prison or jail; a tavern or a restaurant with a liquor license (unless: 1) the person owns or manages the tavern or restaurant; 2) the person is otherwise authorized to possess a handgun at the tavern or restaurant; or 3) the sale of alcohol accounts for no more than 50% of the tavern's or restaurant's receipts); a school administration building; an airport; a building used for religious purposes, for child care, or by a domestic violence services program (unless the owner or authorized representative permits a person to carry a concealed weapon there);

~~hospital unless the hospital permits a person to carry a concealed weapon~~ a building located on a college or university campus; a kindergarten facility; a building owned by the state or a ~~subdivision of the state~~ if the building provides electronic screening and locked storage for weapons; and any place in which the carrying of a weapon is prohibited by federal law.

In addition, the bill permits a business owner or person in his or her own home to prohibit a licensee from carrying a concealed weapon into the business or home. A business owner, however, may only enforce this restriction against an individual if he or she has posted a notice regarding the restriction in a prominent place and has personally and orally notified the individual of the restriction. Moreover, a private employer may prohibit an employee from carrying a concealed weapon in the course of the employee's employment unless the employee is in his or her own vehicle. The bill also prohibits any person from carrying a concealed weapon while having a blood alcohol concentration that exceeds 0.08.

Moreover, under the bill, a law enforcement officer who arrests a person for violating that prohibition or for carrying a concealed weapon while under the influence of an intoxicant may require the person to submit to a breath, blood, or urine test to detect the presence of alcohol, controlled substances, or any other intoxicant.

~~These implied consent provisions are comparable to current law provisions regarding implied consent given by a person operating an all-terrain vehicle, a motorboat, or a snowmobile.~~

The bill ~~also~~ exempts licensees from the prohibition on possessing firearms in a school zone under certain circumstances. Specifically, the bill authorizes a licensee to carry a handgun in a school zone if: 1) the licensee is in a motor vehicle or on a snowmobile or bicycle; 2) the licensee has exited from a motor vehicle and is encasing the handgun or storing it in the motor vehicle; or 3) the licensee is traveling directly between any two of the following places: any person's private property, the licensee's place of employment or business, or a place outside of the school zone. This exemption does not apply if the licensee is on the school grounds.

Under the bill, a county sheriff must issue a license to carry a concealed weapon to a person who meets the qualifications established in the bill for the license unless

Licenses to carry a concealed weapon

sub sub

local government

In addition to authorizing licensees to carry concealed weapons,

Licensing requirements and procedure

sub sub

or a hospital

federal law prohibits

a court (in a procedure described below) has authorized the sheriff not to issue the license or unless the county board of the sheriff's county decides by a two-thirds vote, taken before the fourth month after the bill becomes law, to authorize the sheriff not to issue concealed weapons licenses. The county board's vote does not prohibit the sheriff from issuing licenses; he or she may still choose to do so. The bill also allows two or more sheriffs to enter into cooperative agreements under which the sheriffs may jointly issue licenses to carry a concealed weapon or exercise their other responsibilities under the bill.

The bill specifies the requirements that a person must satisfy ^{in order} to qualify for a license to carry a concealed weapon. ~~Included among the requirements that a person must satisfy~~ are the following: 1) he or she must be at least 21 years old; 2) ~~he or she~~ ^{must} not have a physical disability that prevents him or her from safely handling a weapon; 3) he or she must be eligible to possess a firearm under federal law; 4) he or she must not be prohibited from possessing a firearm under state law due to a felony conviction, a juvenile delinquency adjudication, an order issued in a civil commitment case, or any other order prohibiting the person from possessing a firearm; 5) he or she must not have been committed for the treatment of drug dependency during the preceding three years; 6) he or she must not have been convicted of an offense relating to controlled substances during the preceding three years; 7) he or she must not chronically or habitually use alcohol or other substances to the extent that his or her normal faculties are impaired; 8) he or she must have successfully completed ~~one of several specified~~ ^{one of several specified} firearms training or safety courses or classes; 9) he or she must not have been subject to a finding of incompetency, ^{the} subject of a protective placement as a minor based on a developmental disability, found not guilty of a crime by reason of mental disease or mental defect, or involuntarily committed for treatment of mental illness during the preceding five years; 10) he or she must not have been convicted of one of a set of specified misdemeanors ~~involving~~ ^{involving} or serving a sentence for committing such a misdemeanor ^{within the} preceding three years; and 11) he or she must be a Wisconsin resident. ^(H) In addition, the bill requires the Department of Justice (DOJ) to conduct a background check of a person who applies for a license to carry a concealed weapon to help determine the person's eligibility for a license. The background check requirement does not apply to a person applying for a license if the person is a law enforcement officer, a correctional officer, a probation and parole agent, or a person holding a current certification from the law enforcement standards board.

If the sheriff determines, ~~or learns through the background check,~~ that an applicant for a license is ineligible under one of these requirements, the sheriff must deny the person's application. Otherwise, the sheriff must issue the person a license within 30 days of receiving the completed application, but with one exception. If an applicant committed a misdemeanor ~~crime of violence~~ that, because of the passage of time, no longer disqualifies him or her from obtaining a license, and the sheriff believes that the person would pose a substantial risk to others if he or she were granted a license, the sheriff may petition the circuit court to enter an order barring the person from receiving a license. The court may enter the order only if it

must

Covering certain topics specified in the bill (unless the sheriff determines that the person should be exempt from that requirement based on his or her experience in shooting competitions)

military trainings or

paren

above

described in item 10/11 in the preceding paragraph

determines, by clear and convincing evidence, that the person would pose a substantial risk to others if he or she were granted a license.

Furthermore, the bill does all of the following:

1. Allows a sheriff to issue an emergency license to an individual if the sheriff determines that immediate licensure is warranted to protect the individual from death or great bodily harm.

2. Provides that a license to carry a concealed weapon is valid for five years and establishes a renewal procedure that includes a background check of the person renewing the license.

3. Requires a sheriff to revoke a license to carry a concealed weapon if the licensee no longer meets all of the requirements for licensure.

4. Requires a sheriff to suspend a license to carry a concealed weapon if the licensee is the subject of a civil or criminal case that may ultimately lead to the revocation of the license or if the licensee, after being charged with a misdemeanor, is ordered by the court not to possess a firearm.

5. Provides that a person whose application for a license is denied or whose license is suspended or revoked by the sheriff may appeal the sheriff's action to circuit court for review by a judge.

6. Specifies the information that must be on a license to carry a concealed weapon and an application for such a license and requires DOJ to design the form of the license and the license application and renewal forms.

7. Requires the sheriff to provide information to DOJ concerning a ^{licensee} ~~person~~ licensed to carry a concealed weapon, and requires DOJ to keep a computerized list of persons licensed to carry a concealed weapon. DOJ may provide information from that list regarding a specific licensee only to law enforcement agencies and only in certain specified circumstances.

licensees but specifies that

8. Requires each circuit court, through its computer system, or the clerk of the court or the register in probate if the court's computer system cannot do so, to notify DOJ of court proceedings relating to licensees and nonlicensees (including juvenile delinquency and mental health commitment proceedings that are closed to the public) if those proceedings require suspension or revocation of the person's license if he or she is a licensee. ^{will} ✓

9. Requires each licensee to notify the sheriff within ten days after being charged with a crime or a drunk driving offense under federal law or the law of another state.

10. Requires a person who applies for a license to carry a concealed weapon to pay an application fee, which may not exceed either the cost to the sheriff of issuing the license or \$75, whichever is less. ✓

11. Requires the sheriff to collect an \$8 background check fee ~~from a person who applies for a license to carry a concealed weapon~~ (unless, in the case of a person applying for an emergency license, the sheriff waives the fee); [✓] The sheriff must forward all background check fees that he or she receives to the state treasurer.

12. Requires a person who applies for a license to carry a concealed weapon to pay a \$15 shooting range improvement fee, ~~which is~~ to be used by the sheriff to provide grants for the construction and improvement of shooting ranges; and

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MOUE

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10. Requires a person who applies for a license to carry a concealed weapon to pay a \$15 law enforcement excellence fund fee, which is to be used by the sheriff to improve law enforcement services in his or her county.

11. Grants immunity from liability to DOJ and its employees; sheriffs and their employees; various other court and county employees; persons providing firearm training or safety classes; business or nonprofit organizations that permit persons to carry concealed weapons on their property; and employers that permit their employees to carry concealed weapons for conduct undertaken in good faith under the bill.

12. Treats a license or permit issued by another state in the same manner as a license issued under this bill if the state required the person to undergo training and submit to a background check as a condition of licensure.

The bill establishes new penalties and changes certain others for offenses relating to licenses to carry a concealed weapon. First, a person who fails to carry his or her license document or who fails to display it upon the request of a law enforcement officer while the person is carrying a concealed weapon may be required to forfeit \$25. Second, a person who is licensed to carry a concealed weapon and who carries a concealed weapon in a place where the license does not authorize him or her to do so, other than a home or business where a resident or business owner has imposed his or her own restriction on carrying a concealed weapon, may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. Third, the bill establishes the same penalties for a person who carries a concealed weapon and does any of the following: 1) has a blood alcohol concentration that exceeds 0.08 or is under the influence of an intoxicant while, ~~doing so~~, refuses to submit to a breath, blood, or urine test. At the same time, the bill exempts a licensee who is carrying a concealed handgun from the prohibition in current law against going armed with a firearm while under the influence of an intoxicant, a conviction for which would otherwise result in: 1) the person being subject, as a Class A misdemeanor, to a maximum fine of \$10,000 or a maximum term of imprisonment of nine months or both; and 2) the person being ineligible for a license. Fourth, under current law, possession of a firearm in a school zone is a Class I felony (punishable by a maximum fine of \$10,000 or a maximum term of imprisonment of three and one-half years or both), while possessing other types of dangerous weapons on school grounds is a Class A misdemeanor or, for a repeat offender, a Class I felony. A conviction under either of these provisions would also make a person ineligible for a license. This bill exempts licensees from these penalties. Instead, licensees who unlawfully carry handguns in a school zone or who carry electric weapons, tear gas guns, knives, or billy clubs on school grounds are subject to a maximum fine of \$1,000 or a maximum term of imprisonment of 90 days or both. Fifth, a person who does any of the following must be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than nine months: 1) intentionally makes a false statement in an application for a license; 2) intentionally fails to report being charged under federal law or the law of another state with any crime or any drunk driving offense within ten days after being charged; or 3) intentionally fails to relinquish a license document to a sheriff after the license has been revoked.

546
546

New and revised penalties

Carrying a concealed weapon

In places or under circumstances in which he or she may not do so

the person may be fined not more than \$1,000 or

imprisoned for not more than 90 days or both ~~the~~ ~~or~~ ~~the~~. The same penalties apply if, after a person is arrested for carrying a concealed weapon under those circumstances he or she

licensee

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while carrying

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Sub

Background checks for handgun purchasers

✓
based on the
person's mental
health

~~Now~~ this bill makes certain changes in the law relating to background checks for handgun purchasers. Under current law, when a person seeks to purchase a handgun from a licensed handgun dealer, the dealer must ask DOJ to conduct a background check on the person. In conducting the background check, DOJ searches DOJ records to determine whether the person is ineligible to possess a firearm under state law, but it does not attempt to determine whether federal law bars the person from possessing a firearm based on criteria ~~such as those relating to certain mental health proceedings~~ not covered by state law. This bill requires DOJ, when conducting a background check on a prospective handgun purchaser, to determine whether the person has been the subject of a court order or finding in a Wisconsin court that would render the person ineligible to possess a firearm under federal law. Specifically, DOJ must determine if: 1) the person was the subject of a court order committing the person for treatment in an inpatient mental health facility or a finding by a court that the person is a danger to himself or herself or others or lacks the mental capacity to contract or manage his or her own affairs; 2) ~~the proceeding in which the order was entered or the finding was made occurred in a proceeding that was not commenced by the person;~~ ^{keep semicolon} and 3) the order or finding was based on the person having markedly subnormal intelligence or the person's mental illness, incompetency, condition, or disease. If DOJ determines that the prospective purchaser was the subject of such an order or determination, the dealer may not sell the person a handgun.

the person did not commence

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

1 **SECTION 1.** 23.33 (3) (e) of the statutes is amended to read:
2 23.33 (3) (e) With any firearm in his or her possession unless it is unloaded and
3 enclosed in a carrying case, ~~or.~~ This paragraph does not apply to the possession of
4 a handgun, as defined in s. 175.50 (1) (bm), by a person who holds a valid license to
5 carry a concealed weapon issued under s. 175.50 or by an out-of-state licensee, as
6 defined in s. 175.50 (1) (g).

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

8 **SECTION 2.** 29.089 (2) of the statutes is amended to read:
9 29.089 (2) Except as provided in sub. (3), no person may have in his or her
10 possession or under his or her control a firearm on land located in state parks or state
11 fish hatcheries unless the firearm is unloaded and enclosed within a carrying case.

1 This subsection does not apply if the firearm is a handgun, as defined in s. 175.50 (1)
2 (bm), and the person holds a valid license to carry a concealed weapon issued under
3 s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

4 **SECTION 3.** 29.091 of the statutes is renumbered 29.091 (1) and amended to
5 read:

6 29.091 (1) No person may hunt or trap within any wildlife refuge established
7 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession
8 or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,
9 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
10 within a carrying case. The taking of predatory game birds and animals shall be done
11 as the department directs. All state wildlife refuge boundary lines shall be marked
12 by posts placed at intervals of not over 500 feet and bearing signs with the words
13 “Wisconsin Wildlife Refuge”.

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

15 29.091 (2) The prohibition of the possession or control of a loaded or unencased
16 gun or firearm in sub. (1) does not apply to the possession of a handgun, as defined
17 in s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon
18 issued under s. 175.50 or by an out-of-state licensee, as defined in s. 175.50 (1) (g).

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

21 29.621 (4) (a) Except as provided in s. 29.091 (1), no owner of a wildlife refuge,
22 and no other person, may hunt or trap within the boundaries of any wildlife refuge
23 or, except as provided in par. (b), have in his or her possession or under his or her
24 control in the wildlife refuge a gun, firearm, bow or crossbow, unless the gun or
25 firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or

1 crossbow is enclosed within a carrying case. Nothing in this section may prohibit,
2 prevent or interfere with the department in the destruction of injurious animals.

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

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

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

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

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

22 51.20 (16) (gm) Upon a request under par. (a), a court may cancel the
23 prohibition under sub. (13) (cv) 1. if the court determines, based on evidence
24 presented on the issue of the subject individual's dangerousness, that there no longer
25 is a substantial probability that the individual may use a firearm to cause physical

SECTION 8

1 harm to himself or herself or endanger public safety. If a court cancels a prohibition
2 under sub. (13) (cv) 1. under this paragraph, the court clerk shall notify the
3 department of justice of that fact and provide any information identifying the subject
4 individual that is necessary to permit an accurate involuntary commitment record
5 search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b). No
6 other information from the subject individual's court records may be disclosed to the
7 department of justice except by order of the court.

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

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

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

15 55.06 (17) (d) Notwithstanding par. (a), information from records described in
16 par. (a) may be disclosed under rules that the department of justice promulgates
17 under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f).

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

19 59.25 (3) (u) 1. Subject to the terms of an agreement under s. 175.50 (2) (c),
20 deposit all moneys received under s. 175.50 (7) (bd) and (bp), (13), and (15) (b) 4. a.
21 and c. in the general fund of the county.

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

24 4. Subject to the terms of an agreement under s. 175.50 (2) (c), deposit all
25 moneys received from payments made under s. 175.50 (7) (bt) and (15) (b) 4. d. in the

1 law enforcement excellence fund established under s. 175.50 (20) and make
2 payments from the fund for the purposes of s. 175.50 (20) (b).

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

4 165.25 (11) RULES REGARDING CONCEALED WEAPONS LICENSES. (a) Promulgate
5 rules specifying all of the following:

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

10 2. A procedure to provide sheriffs notice of any order entered under s. 175.50
11 (10m) prohibiting a person from being licensed to carry a concealed weapon.

12 (b) Determine which states issue permits or licenses to carry a concealed
13 weapon to persons who meet training requirements and pass criminal background
14 checks in those states and promulgate by rule a list of those states.

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

17 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
18 impose the following fees, plus any surcharge required under sub. (1m), for criminal
19 history searches for purposes unrelated to criminal justice or to s. 175.35 or 175.50:

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

21 165.82 (2) Except as provided in s. ss. 175.35 and 175.50, the department of
22 justice shall not impose fees for criminal history searches for purposes related to
23 criminal justice.

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

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

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

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

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

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

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

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

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

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

6 175.35 (2) (d) Forty-eight hours, subject to extension under sub. (2g) (c) 4. c.,
7 have elapsed from the time that the firearms dealer has received a confirmation
8 number regarding the firearms restrictions record search under sub. (2g) (c) from the
9 department of justice and the firearms dealer has not been notified that the transfer
10 would be in violation of s. 941.29 or that the transferee would be prohibited from
11 possessing a firearm based on a disqualifying mental health adjudication.

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

13 175.35 (2g) (c) 4. a. If the search indicates that the transferee is prohibited from
14 possessing a firearm under s. 941.29 or based on a disqualifying mental health
15 adjudication, the department shall provide the firearms dealer with a unique
16 nonapproval number. The department may not disclose to the firearms dealer the
17 reason the transferee is prohibited from possessing a firearm ~~under s. 941.29.~~

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

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

22 175.35 (2k) (ar) 2. Check each duplicate notification form received under sub.
23 (2j) against the information recorded by the department regarding the corresponding
24 request for a firearms restrictions record search under sub. (2g). If the department
25 previously provided a unique approval number regarding the request and nothing

1 in the duplicate completed notification form indicates that the transferee is
2 prohibited from possessing a firearm under s. 941.29 or based on a disqualifying
3 mental health adjudication, the department shall destroy all records regarding that
4 firearms restrictions record search within 30 days after receiving the duplicate form.

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

6 **175.50 License to carry a concealed weapon. (1) DEFINITIONS.** In this
7 section:

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

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

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

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

14 (ah) “Controlled substance” means a controlled substance, as defined in s.
15 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).

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

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

18 1. A violation of s. 346.63 or a local ordinance in conformity with that section.
19 2. A violation of a law of a federally recognized American Indian tribe or band
20 in this state in conformity with s. 346.63.

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

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

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

8 (bq) "Intoxicant" means any alcohol beverage, controlled substance, or other
9 drug, or any combination thereof.

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

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

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

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

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

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

20 (f) "Out-of-state authorization" means a valid permit document or a valid
21 license document issued by another state if all of the following apply:

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

24 2. The state is listed in the rule promulgated by the department of justice under
25 s. 165.25 (11) (b).

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1 (g) “Out-of-state licensee” means an individual who is 21 years of age or over,
2 who is not a Wisconsin resident, who has been issued an out-of-state authorization,
3 and who is not prohibited from possessing a firearm under s. 941.29 or from
4 possessing a firearm that has been transported in interstate or foreign commerce
5 under federal law.

6 (h) “Private property” has the meaning given in s. 943.13 (1e) (e).

7 (i) “Proprietor” means a person to whom a Class “B” or “Class B” license or
8 permit has been issued under ch. 125.

9 (ig) “Purpose of authorized analysis” means for the purpose of determining or
10 obtaining evidence of the presence, quantity, or concentration of any intoxicant in a
11 person’s blood, breath, or urine.

12 (is) “Test facility” means a test facility or agency prepared to administer tests
13 under s. 343.305 (2).

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

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

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

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

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

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

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

11 1. The agreement shall be in writing.

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

14 2m. The agreement shall specify how the powers and duties that are the subject
15 of the agreement are to be allocated among the sheriffs that are parties to the
16 agreement.

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

20 4. The agreement shall designate one county to be identified as the county of
21 issuance.

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

1 **(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE DOCUMENT**

2 OR AUTHORIZATION. (a) A licensee or an out-of-state licensee may carry a concealed
3 weapon anywhere in this state except as provided under sub. (15m) or (16) or s.
4 941.20 (1) (b) or 943.13 (1m) (c). This paragraph does not limit the right that a person
5 may have under s. 943.13 (1m) (c) to prohibit a licensee or an out-of-state licensee
6 from entering or remaining in a building used by a health care facility, as defined in
7 s. 150.84 (2), or a clinic or office that is used by a physician licensed under ch. 448
8 if the licensee or out-of-state licensee is carrying a concealed weapon. In this
9 paragraph, “building” includes a part of a building.

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

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

17 **(2i) PRELIMINARY BREATH SCREENING TEST.** (a) *Requirement.* A person shall
18 provide a sample of his or her breath for a preliminary breath screening test if a law
19 enforcement officer has probable cause to believe that the person is violating sub.
20 (16) (cm) 1. and if, prior to an arrest, the law enforcement officer requested that the
21 person provide this sample.

22 (b) *Use of test results.* A law enforcement officer may use the results of a
23 preliminary breath screening test for the purpose of deciding whether or not to arrest
24 a person for a violation of sub. (16) (cm) 1. or for the purpose of deciding whether or

1 not to request a chemical test under sub. (2k). Following the preliminary breath
2 screening test, chemical tests may be required of the person under sub. (2k).

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

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

9 (2j) IMPLIED CONSENT. Any person who carries a concealed weapon in this state
10 is deemed to have given consent to provide one or more samples of his or her breath,
11 blood, or urine for the purpose of authorized analysis as required under sub. (2k).
12 Any person who carries a concealed weapon in this state is deemed to have given
13 consent to submit to one or more chemical tests of his or her breath, blood, or urine
14 for the purpose of authorized analysis as required under sub. (2k).

15 (2k) CHEMICAL TESTS. (a) *Requirement.* 1. 'Samples; submission to tests.' A
16 person shall provide one or more samples of his or her breath, blood, or urine for the
17 purpose of authorized analysis if he or she is arrested for a violation of sub. (16) (cm)
18 1. and if he or she is requested to provide the sample by a law enforcement officer.
19 A person shall submit to one or more chemical tests of his or her breath, blood, or
20 urine for the purpose of authorized analysis if he or she is arrested for a violation of
21 sub. (16) (cm) 1. and if he or she is requested to submit to the test by a law
22 enforcement officer.

23 2. 'Information.' A law enforcement officer requesting a person to provide a
24 sample or to submit to a chemical test under subd. 1. shall inform the person of all

1 of the following at the time of the request and prior to obtaining the sample or
2 administering the test:

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

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

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

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

15 (b) *Chemical tests.* 1. 'Test facility.' Upon the request of a law enforcement
16 officer, a test facility shall administer a chemical test of breath, blood, or urine for
17 the purpose of authorized analysis. A test facility shall be prepared to administer
18 2 of the 3 chemical tests of breath, blood, or urine for the purpose of authorized
19 analysis. The department may enter into agreements for the cooperative use of test
20 facilities.

21 2. 'Designated chemical test.' A test facility shall designate one chemical test
22 of breath, blood, or urine which it is prepared to administer first for the purpose of
23 authorized analysis.

24 3. 'Additional chemical test.' A test facility shall specify one chemical test of
25 breath, blood, or urine, other than the test designated under subd. 2., which it is

1 prepared to administer for the purpose of authorized analysis as an additional
2 chemical test.

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

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

22 (c) *Additional and optional chemical tests.* 1. 'Additional chemical test.' If a
23 person is arrested for a violation of sub. (16) (cm) 1. and if the person is requested to
24 provide a sample or to submit to a test under par. (a) 1., the person may request the
25 test facility to administer the additional chemical test specified under par. (b) 3. or,

1 at his or her own expense, reasonable opportunity to have any qualified person
2 administer a chemical test of his or her breath, blood, or urine for the purpose of
3 authorized analysis.

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

12 3. 'Compliance with request.' A test facility shall comply with a request under
13 this paragraph to administer any chemical test that it is able to perform.

14 4. 'Inability to obtain chemical test.' The failure or inability of a person to
15 obtain a chemical test at his or her own expense does not preclude the admission of
16 evidence of the results of a chemical test required and administered under pars. (a)
17 and (b).

18 (d) *Admissibility; effect of test results; other evidence.* The results of a chemical
19 test required or administered under par. (a), (b), or (c) are admissible in any civil or
20 criminal action or proceeding arising out of the acts committed by a person alleged
21 to have violated sub. (16) (cm) 1. on the issue of whether the person had alcohol
22 concentrations at or above specified levels or was under the influence of an
23 intoxicant. Results of these chemical tests shall be given the effect required under
24 s. 885.235. This subsection does not limit the right of a law enforcement officer to
25 obtain evidence by any other lawful means.

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

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

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

12 3. Whether the law enforcement officer requested the person to provide a
13 sample or to submit to a chemical test and provided the information required under
14 par. (a) 2. or whether the request and information were unnecessary under par. (a)
15 3.

16 4. Whether the person refused to provide a sample or to submit to a chemical
17 test.

18 **(2m)** LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (c), and
19 (d), the department shall design a single license document for licenses issued and
20 renewed under this section. The department shall complete the design of the license
21 document no later than the first day of the 4th month beginning after the effective
22 date of this paragraph [revisor inserts date], and shall distribute the design for
23 the license document to any sheriff who issues licenses under sub. (2) (a) or (c) for the
24 sheriff to use for licenses that he or she issues under this section.

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

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

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

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

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

- 20 (a) The individual is at least 21 years of age.
- 21 (b) The individual does not have a physical disability that prevents him or her
22 from safely handling a weapon. The department shall promulgate rules specifying
23 the procedures and definitions that the sheriff is required to apply when determining
24 whether an individual is ineligible for a license under this section because he or she
25 has a physical disability that prevents him or her from safely handling a weapon.

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

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

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

6 (f) During the preceding 3 years, the individual has not been convicted for any
7 violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch.
8 961 or of a federal law or a law of another state that is comparable to any provision
9 of ch. 961.

10 (g) The individual does not chronically and habitually use alcohol beverages or
11 other substances to the extent that his or her normal faculties are impaired. A person
12 is presumed chronically and habitually to use alcohol beverages or other substances
13 to the extent that his or her normal faculties are impaired if, within the preceding
14 3 years, any of the following applies:

15 1. The individual has been committed for involuntary treatment under s. 51.45
16 (13).

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

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

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

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

23 3. Successfully completed a firearm training or firearm safety course or class
24 that meets the requirements under sub. (4m) and that is conducted by an instructor
25 certified by the state in which the course or class was conducted, by the National Rifle

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1 Association, or by another national or state organization that certifies firearms
2 instructors.

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

11 5. Successfully completed a firearm safety or firearm training course or class
12 that meets the requirements under sub. (4m) and that is offered for law enforcement
13 officers, correctional officers, special deputies, private detectives licensed under s.
14 440.26, or other security or law enforcement personnel.

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

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

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

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

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

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

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

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

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

23 (mg) The individual has not been prohibited from obtaining a license under
24 sub. (10m) based on the individual having committed a misdemeanor crime of
25 violence.

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 this subsection that applies for a specified
11 period of 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 this
15 subsection that applies for a specified period of time, because that time period has
16 run.

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

18 (s) The individual is a Wisconsin resident.

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

22 **(4m) COURSE OR CLASS REQUIREMENTS.** A firearm training or firearm safety
23 course or class under sub. (3) (h) 2. to 5. shall include all of the following:

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

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

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

5 (d) Basic self-defense principles.

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

7 (f) Instruction on firing a handgun.

8 (g) Practice firing a handgun.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (b) Subject to pars. (c) and (d), within 30 days after receiving an application
9 under sub. (7), a sheriff shall do one of the following:

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

12 2. Deny the application, but only if the applicant fails to qualify under the
13 criteria specified in sub. (3). If the sheriff denies the application, he or she shall
14 inform the applicant in writing, stating the reason and factual basis for the denial
15 to the extent permitted under federal law.

16 (c) Except as provided in sub. (9r) or (10), a sheriff may not issue a license until
17 7 days, subject to extension under sub. (9g) (b) 3. c., have elapsed from the time that
18 the sheriff has received a confirmation number regarding the background check
19 under sub. (9g) (b) 1. from the department, unless the department has notified the
20 sheriff that the background check does not indicate that the applicant is disqualified
21 for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r).

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

24 **(9g) BACKGROUND CHECKS.** (a) A sheriff shall request that the department
25 conduct a background check by calling the department, using a toll-free telephone

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1 number provided by the department, and providing the department with the name,
2 date of birth, gender, and race of the applicant.

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

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

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

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

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

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

23 c. If the background check indicates that the applicant was the subject of a
24 relevant criminal charge for which there is no recorded disposition or if, in the case
25 of a misdemeanor delinquency adjudication, the background check does not indicate

1 how long the resultant dispositional order was in effect, and the 7-day time period
2 described in sub. (9) (c) has not yet run, that time period is extended by 72 hours.
3 The department shall notify the sheriff of the extension as soon as practicable.
4 During the extended period, the department shall make all reasonable efforts to
5 obtain the missing information and shall notify the sheriff of the results of its efforts
6 as soon as practicable.

7 (bm) The department shall conduct the background check under par. (b)
8 immediately if, when requesting it under par. (a), the sheriff informs the department
9 that the background check is for an applicant for an emergency license under sub.
10 (9r).

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

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

21 (e) 1. The department shall check each duplicate application form received
22 under par. (d) against the information recorded by the department regarding the
23 corresponding request for a background check under this subsection. If the
24 department previously provided a unique approval number regarding the request
25 and nothing in the duplicate completed application form indicates that the applicant

1 is not qualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),
2 (n), (o), or (r), the department shall, except as provided in subd. 2., destroy all records
3 regarding that background check within 30 days after receiving the duplicate form.
4 If the department previously provided a unique approval number regarding the
5 request and the duplicate completed application form indicates that the applicant is
6 not qualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),
7 (n), (o), or (r), the department shall immediately notify the sheriff who issued the
8 license, and the sheriff shall revoke the license.

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

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

19 **(9r) EMERGENCY LICENSE.** (a) Unless the sheriff knows that the person is not
20 qualified for a license under sub. (3) (a) to (g) or (i) to (s), a sheriff may issue a license
21 under this section to an individual who does not satisfy the requirements under sub.
22 (3) (h) without regard for the waiting period under sub. (9) (c) if the sheriff determines
23 that immediate licensure is warranted to protect the individual from death or great
24 bodily harm, as defined in s. 939.22 (14). A sheriff who issues a license under this

1 paragraph shall notify the department and request an immediate background check
2 under sub. (9g).

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

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

8 (c) A sheriff may waive the fees that would otherwise be required under subs.
9 (7) (bd), (bh), (bp), and (bt) and (9g) (c) for an individual who is applying for a license
10 under par. (a) if requiring the individual to pay the fees would create a hardship for
11 the individual. The department shall promulgate rules specifying the procedures
12 and definitions that the sheriff is required to apply when determining whether an
13 individual is eligible for a waiver of the fees for an emergency license under this
14 section as provided under this paragraph.

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

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

22 (a) A law enforcement officer.

23 (b) A correctional officer.

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

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

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

10 (b) The sheriff shall file any such petition in the circuit court of the sheriff's
11 county, or if applicable, the circuit court of the county of issuance designated under
12 sub. (2) (c). The sheriff may not file the petition more than 30 days after receiving
13 the person's completed application, unless the person was issued a license under sub.
14 (9r). The court shall allow the person 30 days to file an answer to the petition. The
15 court may hold an evidentiary hearing on the petition.

16 (c) If the court determines, by clear and convincing evidence, that the person
17 would pose a substantial risk to others if the person were granted a license under this
18 section, the court shall enter an order prohibiting the person from obtaining a license
19 under this section.

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

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

23 **(11) LICENSEE INFORMATION.** (a) A sheriff who issues licenses to carry a
24 concealed weapon under this section shall, within 5 days after issuing a license,
25 notify the department that he or she has issued a license under this section and

1 provide the department with the information specified in sub. (2m) (b) concerning the
2 individual to whom the license was issued.

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

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

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

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

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

23 2. If the department maintains information compiled under this section
24 regarding licensees through the transaction information for the management of
25 enforcement system and a law enforcement officer uses that system in the context

1 of a vehicle stop that meets the requirements of s. 349.02 (2) (a), the law enforcement
2 officer may only obtain information from that system regarding the licensee's status
3 as a licensee for the purposes listed in subd. 1.

4 (d) 1. In this paragraph:

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

8 b. "Court automated information systems" means the systems under s. 758.19
9 (4).

10 2. The court automated information systems, or the clerk or register in probate,
11 if the information is not contained in or cannot be transmitted by the court
12 automated information systems, shall promptly notify the department of the name
13 of any individual with respect to whom any of the following occurs and the specific
14 reason for the notification:

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

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

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

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

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

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

3 g. The individual is involuntarily committed for treatment under s. 51.20 or
4 51.45.

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

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

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

10 3. Upon receiving a notice under subd. 2., the department shall immediately
11 determine if the individual who is the subject of the notice is a licensee, using the list
12 maintained under par. (am). If the department determines that the individual is a
13 licensee, the department shall immediately inform the sheriff of the county that
14 issued the license of the individual's name and the basis for the notice under subd.
15 2.

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

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

24 **(13) LOST OR DESTROYED LICENSE.** No later than 30 days after losing his or her
25 license document or after his or her license document is destroyed, a licensee shall

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1 submit to the sheriff of the county that issued the license a notarized statement that
2 his or her license document has been lost or destroyed. The sheriff shall issue a
3 replacement license document upon receiving the notarized statement and a
4 replacement license fee of \$15.

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

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

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

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

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

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

19 2. A sheriff who suspends or revokes a license issued under this section shall
20 send the individual whose license has been suspended or revoked notice of the
21 suspension or revocation by certified mail within one day after the suspension or
22 revocation. Within 7 days after receiving the notice, the individual whose license has
23 been suspended or revoked shall deliver the license document personally or by
24 certified mail to the sheriff.

1 **(14m) APPEALS.** (a) A person aggrieved by any action by a sheriff denying an
2 application for a license or suspending or revoking a license under this section may
3 appeal directly to the circuit court of the sheriff's county or, if applicable, to the circuit
4 court of the county of issuance designated under sub. (2) (c).

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

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

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

20 (e) The court shall review the petition, the answer, and any records or
21 documents submitted with the petition or the answer. The review under this
22 paragraph shall be conducted by the court without a jury and shall be confined to the
23 petition, the answer, and any records or documents submitted with the petition or
24 the answer, except that in cases of alleged irregularities in procedure by the sheriff
25 the court may take testimony that the court determines is appropriate.

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

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

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

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

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

- 20 1. Submits a renewal application on the form provided by the sheriff.
21 2. Submits a notarized affidavit swearing under oath that the information
22 provided under subd. 1. is true and complete to the best of his or her knowledge and
23 that he or she is qualified under sub. (3).

- 24 4. Pays all of the following:

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

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

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

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

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

10 (d) If an individual whose license has expired does not submit a renewal
11 application under par. (b) before 6 months after the expiration date, the license shall
12 permanently expire. An individual whose license has permanently expired may be
13 issued a new license if he or she applies for a license under sub. (7).

14 **(15m) PRIVATE EMPLOYER RESTRICTIONS.** (a) Except as provided in par. (b), a
15 private employer may prohibit a licensee or an out-of-state licensee that it employs
16 from carrying a concealed weapon or a particular type of concealed weapon in the
17 course of the licensee's or out-of-state licensee's employment or during any part of
18 the licensee's or out-of-state licensee's course of employment.

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

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

25 1. A place that has been declared a nuisance under ch. 823.

1 2. A police station, sheriff's office, or state patrol station. This subdivision does
2 not prohibit a peace officer who is acting within the scope of his or her employment
3 from carrying a concealed weapon in a police station, sheriff's office, or state patrol
4 station.

5 3. A prison, jail, house of correction, or secured correctional facility.

6 4. A courthouse, except that a judge who is a licensee may carry a concealed
7 weapon in a courthouse in which he or she is presiding in court and may permit in
8 writing any other licensee or out-of-state licensee to carry a concealed weapon in a
9 courthouse in which he or she is presiding in court.

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

13 6. A school administration building.

14 7. Any premises for which a Class "B" or "Class B" license or permit has been
15 issued under ch. 125, unless one of the following applies:

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

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

20 c. The sale of intoxicating liquors or fermented malt beverages or both on those
21 premises accounts for not more than 50% of the proprietor's receipts from those
22 premises.

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

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

1 10. A building or part of a building used for religious worship or another
2 religious purpose.

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

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

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

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

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

12 16. A kindergarten facility or classroom.

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

16 (at) Neither a licensee nor an out-of-state licensee may carry a concealed
17 weapon in a building owned or leased by the state or any political subdivision of the
18 state if the building provides electronic screening for weapons at all public entrances
19 to the building and for the locked storage of weapons on the premises while the
20 licensee or out-of-state licensee is in the building. This paragraph does not apply
21 to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (b) Any person who violates sub. (2k) (e) or (16) may be fined not more than
12 \$1,000 or imprisoned for not more than 90 days or both.

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

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

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

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

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

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

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

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

1 **(20m)** GRANTS FOR SHOOTING RANGES. (a) Using the fees collected under sub.
2 (7) (bp) and (15) (b) 4. c., a sheriff issuing licenses under this section shall award
3 grants to persons for construction or improvement of shooting ranges.

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

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

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

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

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

19 **(21)** IMMUNITY. (a) The department and its employees, sheriffs and their
20 employees, clerks, as defined in sub. (11) (d) 1. a., and their staff, court automated
21 information systems, as defined under sub. (11) (d) 1. b., and its employees, and
22 counties and their employees are immune from liability arising from any act or
23 omission under this section, if done in good faith.

1 (b) A person providing a firearm safety or firearm training course or class in
2 good faith is immune from liability arising from any act or omission related to the
3 course or class if the course or class is one described in sub. (3) (h).

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

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

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

11 440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS. The department shall
12 promulgate rules relating to the carrying of dangerous weapons by a person who
13 holds a license or permit issued under this section or who is employed by a person
14 licensed under this section. The rules shall allow the person to go armed with a
15 concealed weapon as permitted under s. 175.50 if the person is licensed under that
16 section and shall meet the minimum requirements specified in 15 USC 5902 (b).

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

18 813.12 (6) (am) 1. If an injunction is issued or extended under sub. (4) or if a
19 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify
20 the department of justice of the injunction and shall provide the department of
21 justice with information concerning the period during which the injunction is in
22 effect and information necessary to identify the respondent for purposes of a firearms
23 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
24 175.50 (9g) (b).

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

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

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

7 813.122 (9) (am) 1. If an injunction is issued or extended under sub. (5), the
8 clerk of the circuit court shall notify the department of justice of the injunction and
9 shall provide the department of justice with information concerning the period
10 during which the injunction is in effect and information necessary to identify the
11 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
12 (c) or a background check under s. 175.50 (9g) (b).

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

14 813.122 (9) (am) 2. Except as provided in subd. 3., the department of justice
15 may disclose information that it receives under subd. 1. only as part of a firearms
16 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
17 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or
18 (11) (d) 3.

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

20 813.125 (5r) (a) If an order prohibiting a respondent from possessing a firearm
21 is issued under sub. (4m), the clerk of the circuit court shall notify the department
22 of justice of the existence of the order prohibiting a respondent from possessing a
23 firearm and shall provide the department of justice with information concerning the
24 period during which the order is in effect and information necessary to identify the

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

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

4 813.125 (5r) (b) Except as provided in par. (c), the department of justice may
5 disclose information that it receives under par. (a) only as part of a firearms
6 restrictions record search under s. 175.35 (2g) (c) or 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 29.** 885.235 (1g) (intro.) of the statutes is amended to read:

10 885.235 (1g) (intro.) In any action or proceeding in which it is material to prove
11 that a person was under the influence of an intoxicant or had a prohibited alcohol
12 concentration or a specified alcohol concentration while operating or driving a motor
13 vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating
14 a motorboat, except a sailboat operating under sail alone, while operating a
15 snowmobile, while operating an all-terrain vehicle, while going armed with a
16 concealed weapon, or while handling a firearm, evidence of the amount of alcohol in
17 the person's blood at the time in question, as shown by chemical analysis of a sample
18 of the person's blood or urine or evidence of the amount of alcohol in the person's
19 breath, is admissible on the issue of whether he or she was under the influence of an
20 intoxicant or had a prohibited alcohol concentration or a specified alcohol
21 concentration if the sample was taken within 3 hours after the event to be proved.
22 The chemical analysis shall be given effect as follows without requiring any expert
23 testimony as to its effect:

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

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

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

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

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

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

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

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

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

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

10 941.20 (1) (a) Endangers another's safety by the negligent operation or
11 handling of a dangerous weapon;~~or.~~

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

13 941.20 (1) (b) Operates ~~or goes armed with~~ a firearm while he or she is under
14 the influence of an intoxicant;~~or.~~

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

16 941.20 (1) (bm) Goes armed with a firearm while he or she is under the
17 influence of an intoxicant. This paragraph does not apply to a licensee, as defined
18 in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g), who goes
19 armed with a concealed handgun, as defined in s. 175.50 (1) (bm), while he or she is
20 under the influence of an intoxicant or while he or she has an alcohol concentration,
21 as defined in s. 340.01 (1v), that exceeds 0.08.

22 **SECTION 36.** 941.23 of the statutes is renumbered 941.23 (1) (intro.) and
23 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 occupes, 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:

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 8.5 inches by 11 inches.

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 sections 165.25 (11) (a) and 175.35
15 (2g) (c) 3. of the statutes and under section 175.50 (9g) (f) of the statutes, as created
16 by this act, for the period before the effective date of the permanent rules
17 promulgated under those sections, but not to exceed the period authorized under
18 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
19 (2) (b), and (3) of the statutes, the department is not required to provide evidence that
20 promulgating a rule under this subsection as an emergency rule is necessary for the
21 preservation of public peace, health, safety, or welfare and is not required to provide
22 a finding of an 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:

